



Comptroller General
of the United States
Washington, D.C., 20548

Decision

Matter of: Distributed Solutions
File: B-260919
Date: April 20, 1995

DECISION

Distributed Solutions protests the terms of request for proposals (RFP) No. GS03K-94-R-0001 issued by the General Services Administration (GSA) for the purchase of an electronic acquisition support system.

We dismiss the protest.

Distributed Solutions states that it is a member of a teaming arrangement with Ray Communications. Ray Communications filed an agency-level protest on December 16, 1994, protesting the terms of the RFP. GSA denied Ray Communications' protest on March 10, 1995. Ray Communications has elected not to pursue the matter any further. Distributed Solutions has now filed the instant protest, stating that it is an interested party "because [it has] a direct economic interest which would be affected by the award of a contract to a party other than Ray Communications or Distributed Solutions."

A teaming arrangement exists when two or more companies form a joint venture or when a prime contractor agrees with one or more companies to have them act as subcontractors under a specified government contract or acquisition program. Federal Acquisition Regulation § 9.601. Distributed Solutions states that when Ray Communications filed its agency-level protest it was "acting as the prime for a joint Ray/Distributed Solutions business team" and that Ray Communications would have proposed Distributed Solutions' software. Distributed Solutions therefore appears to be only a prospective subcontractor and not a prospective actual offeror.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988 and Supp. V 1993), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained.

ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Under these rules, a prospective subcontractor is not an interested party because it is not a prospective or actual bidder or offeror. Nasatka Barrier, Inc., B-234371; B-234578, Mar. 31, 1989, 89-1 CPD ¶ 349.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Associate General Counsel