



Comptroller General  
of the United States

1113185

Washington, D.C. 20548

## Decision

**Matter of:** Supreme Clean, Inc.

**File:** B-261148

**Date:** May 17, 1995

### DECISION

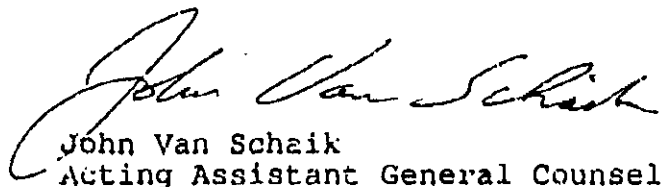
Supreme Clean, Inc. protests the exclusion of its proposal from the competitive range under request for proposals (RFP) DECA01-95-R-0024, issued by the Defense Commissary Agency.

We dismiss this protest on the basis that a debarred firm is not an interested party to challenge a procurement decision.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), 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). Here, the documents in the proposal package ostensibly from Supreme Clean identify Mr. Mayfield Evans, President of E&S Diversified Services, Inc., with an address in Anchorage, Alaska, as the individual submitting an offer "[o]n behalf of Supreme Clean, Inc." The offer, Standard Form 33, is signed by Mr. Evans as President but does not reference Supreme Clean. Similarly, amendment No. 0001 is signed by Mr. Evans but also does not reference Supreme Clean. Instead, the amendment lists the contractor as "E&S Diversified Services, Inc." with the same address in Anchorage, Alaska as that listed in Mr. Evans' March 8 proposal transmittal letter.

In sum, the only document in the proposal package which indicates that Supreme Clean was the offeror is the March 8 proposal transmittal letter. As such, it is clear that E&S Diversified Services was the actual entity submitting a proposal in response to the solicitation. The agency has provided information to this Office which shows that E&S Diversified Services is a debarred bidder under Federal Acquisition Regulation § 9.405. Since debarred contractors are not eligible for award of federal contracts, such a

protester would not be in line for award even if its protest were sustained. Pacrak, Inc., B-236798, Nov. 7, 1989, 89-2 CPD ¶ 442. Therefore, we will not consider the protest since E&S Diversified Services, the actual offeror is a debarred firm.



John Van Schaik  
Acting Assistant General Counsel