



Comptroller General
of the United States

Washington, D.C. 20548

John Van Schaik

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Decision

Matter of: Target Properties, Inc.

File: B-261856.2

Date: August 4, 1995

DECISION

Target Properties, Inc. protests any contract award to Palm Beach Realty Services, Inc. under invitation for bids No. DU204-B-95-0014, issued by the Department of Housing and Urban Development for exclusive listing broker services for Palm Beach and Martin Counties, Florida. Target argues that the agency improperly allowed Palm Beach to submit multiple bids.

We dismiss this protest on the basis that the protester is not an interested party.

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 supplier 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. Even were Target's protest upheld so that all of Palm Beach Realty's bids were rejected, there would still be 11 bidders eligible for the award before Target's bid could be considered. Since there has been no challenge to the eligibility for award of the intervening bidders or offerors who would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

John Van Schaik

John Van Schaik
Acting Assistant General Counsel

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