



United States  
General Accounting Office  
Washington, D.C. 20548

Office of the General Counsel

B-225487.2

February 18, 1987

The Honorable Alan Cranston  
United States Senate

Dear Senator Cranston:

This is in response to your letter dated January 12, 1987, on behalf of your constituent, Don Clark, Vice President of Information Processing Systems of California, Inc. (IPSC). IPSC's bid protest to our Office was dismissed on November 17, 1986, because IPSC was a subcontractor to one of the competing offerors and thus was not an interested party to protest under our Bid Protest Regulations. You point out that IPSC's protest raised serious questions about the propriety of the procurement, and that in certain earlier cases our Office determined that a protester who did not bid on a solicitation could be considered an interested party for bid protest purposes.

Under the Competition in Contracting Act of 1984 (CICA), our Office only decides protests filed by an "interested party," which CICA defines as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." Our decisions have held that a prospective subcontractor or supplier is neither a prospective or actual offeror. Environmental Systems Research Institute, B-219797, Oct. 23, 1985, 85-2 C.P.D. ¶ 449.

The decisions of our Office to which your letter alludes concern protests which were filed under our Bid Protest Procedures which were in effect prior to the effective date of CICA. Since CICA's definition of an interested party plainly requires protesters to be actual or prospective offerors, these pre-CICA cases are inapplicable, inasmuch as our Office is precluded by the terms of CICA from reviewing protests by potential subcontractors.

Accordingly, we are unable to consider IPSC's protest on the merits.

We trust that this information will satisfy the purpose of your inquiry.

Sincerely yours,

*Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel