



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Automated Power Systems, Inc.--
Reconsideration

File: B-246795.2

Date: February 20, 1992

Gene Moorman for the protester,
Timothy A. Chenault, Esq., United States Coast Guard, for
the agency.
Paula A. Williams, Esq., and Paul I. Lieberman, Esq., Office
of General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Dismissal of protest on basis that protester is not an
interested party is affirmed where there are intermediate
parties that have a greater interest in the procurement than
the protester.

DECISION

Automated Power Systems, Inc. requests reconsideration of
our dismissal of its protest under invitation for bids (IFB)
No. DTTCG36-92-B-00008, issued by the Department of
Transportation, United States Coast Guard, for solid state
flashers.

We dismissed the protest on the basis that Automated Power
was not an interested party under our Bid Protest
Regulations since Automated Power indicated that it had
"officially withdrawn" its bid from the procurement.
4 C.F.R. § 21.0(a) (1991). Automated Power states that the
bid it withdrew was under a solicitation other than the one
which is the subject of its protest.

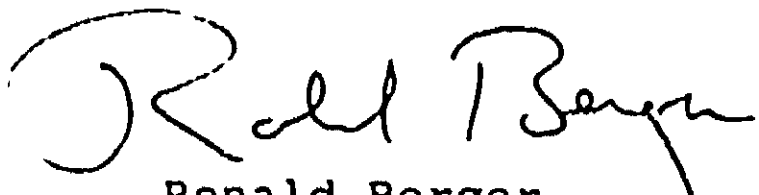
We affirm the dismissal.

As we stated in our decision, under the Competition in
Contracting Act of 1984, 31 U.S.C. § 3553(a) (1988), and our
Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1991), a
protester must qualify as an interested party in order to
have its protest considered by our Office. Seals Servs.,
Inc., B-235523, June 20, 1989, 89-1 CPD ¶ 581. In order to
qualify as an interested party, a protester must be an

actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award a contract, 31 U.S.C. § 3551(2); 4 C.F.R. § 21.0(a). This standard is not based on a protester's prior participation, or anticipated participation in a particular procurement; rather, it involves consideration of a protester's status in the context of the particular procurement.

Here, while it now appears that Automated Power did not withdraw its bid under the solicitation at issue, the protester would not be in line for award if its protest were sustained because, of the four bids received, Automated Power's was the highest. Where there are intermediate parties that have a greater interest in the procurement than the protester, we generally consider the protester's interest to be too remote to qualify the protester as an interested party. Aviation Sys. Mfg., Inc.--Recon., B-241180.2, Feb. 1, 1991, 91-1 CPD ¶ 104; Airtrans, Inc., B-231047, May 8, 1988, 88-1 CPD ¶ 473.

The dismissal is affirmed.


Ronald Berger
Associate General Counsel