

Boyle
PL 1

19359

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-204419

DATE: September 10, 1981

MATTER OF: Ven-Tel, Inc.

DIGEST:

Large business protester is not interested party under GAO Bid Protest Procedures to challenge potential award under total small business set-aside where issue raised relates to alleged restrictive brand name or equal provisions and not to eligibility criterion that disqualifies the protester.

Ven-Tel, Inc., protests any award under invitation for bids (IFB) No. 111-A-SEA-81, issued by the Department of Agriculture for certain modems on a brand name or equal basis. Ven-Tel objects to the IFB's brand name or equal provisions on the grounds that they are unduly restrictive of competition. Ven-Tel, a large business, did not object to the IFB's provisions restricting the procurement to only small business concerns.

Our Bid Protest Procedures provide that only an "interested party" may file a protest. 4 C.F.R. § 21.1(a) (1981). As a large business, Ven-Tel is not eligible for award in this case; thus, Ven-Tel is not an interested party in this matter since Ven-Tel is not protesting the IFB's small business eligibility criterion that disqualifies Ven-Tel for award consideration. DoAll Iowa Company, B-187200, September 23, 1976, 76-2 CPD 276; Solon Automated Services, Inc., B-198670, November 18, 1980, 80-2 CPD 365.

Protest dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

[Handwritten notes and stamps at the bottom of the page, including a box containing the number 116307 and a signature 018501]