

Calhoun



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Salish Steel & Manufacturing, Inc.

File: B-270571

Date: December 20, 1995

DECISION

Salish Steel & Manufacturing, Inc. protests the terms of invitation for bids (IFB) No. DACA45-96-B-0008, issued by the Army Corps of Engineers for the construction of a child development center at the U.S. Air Force Academy in Colorado Springs, Colorado. Salish contends that the solicitation's requirement for certification of steel fabrication unduly restricts competition.

We dismiss this protest because a prospective supplier is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984 (CICA) and our Bid Protest Regulations, our Office may only decide a protest filed by an "interested party," which the statute defines as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award the contract." 31 U.S.C. § 3551(2) (1988); section 21.0(a), 60 Fed. Reg. 40,737, 40,739 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.0(a)). A prospective supplier does not have the requisite interest to be considered an interested party to protest under CICA since it is not a prospective or actual bidder. PolyCon Corp., 64 Comp. Gen. 523 (1985), 85-1 CPD ¶ 567; U.S. PolyCon Corp.—Recon., B-254655.3, Aug. 3, 1994, 94-2 CPD ¶ 53; Allied Tube & Conduit, B-252371, Apr. 27, 1993, 93-1 CPD ¶ 345. Since Salish concedes that it is a prospective supplier of the required steel, the firm is not an interested party to protest the propriety of the solicitation's specifications and its protest will not be considered. Allied Tube & Conduit, *supra*; Pacific Allied Prods., Ltd., B-220181; B-220182, Oct. 18, 1985, 85-2 CPD ¶ 424.

The protest is dismissed.

Comptroller General
of the United States

5051219

065521/155993