

Proc I

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

10,754

FILE: B-194842

DATE: July 13, 1979

MATTER OF: Elvira F. Williams, Irving C. Williams,
M.D., and Y. B. B. Byamuagu Mushala

DIGEST:

of Contract Award
[Protest by Individuals Claiming to be Interested Party]

1. Fact that individuals participated in drafting proposal and may be potential staff of unsuccessful offeror is insufficient reason to regard individuals as "interested party" under Bid Protest Procedures.
2. Where matter will not be considered as bid protest, request for conference is denied.

Elvira F. Williams, Irving C. Williams, M.D., and Y. B. B. Byamuagu Mushala protest the award of a contract (No. 79-042-1017) pursuant to request for proposals (RFP) No. 79-12, issued by ACTION. The RFP sought proposals for the stateside training of 25 Peace Corps volunteers for Tanzania in language, cross culture and health programs.

The grounds for protest are essentially that the contract was "wired," which suggests fraud, the unequal treatment of the proposers, and ACTION's refusal to allow clarification of the proposal in which the individuals were involved by submission of modifications. The individuals have requested a conference on this matter.

ACTION has advised that:

"[t]he individual[s] * * * did not submit a proposal, although they were listed as potential staff in the proposal of one of the unsuccessful offerors."

Because of this, it is ACTION's position that the individuals are not an "interested party" pursuant to our Bid Protest Procedures (Procedures), 4 C.F.R. part 20 (1979).

In response to ACTION's statements, the individuals state:

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1. "We are definitely an 'interested' group and not 'simply' potential staff of an offeror, as Action/Peace Corps is well aware. We came together as concerned individuals to develop an effective and meaningful training program for Peace Corps volunteers going to Tanzania. We have extensive experience not only in training, but also in African Affairs in general, and Tanzanian Affairs, specifically."
2. "We are the principal proponents of the National Council of Negro Women's (NCNW) proposal responding to RFP 79-12. We initiated the idea, planned the program, wrote the proposal, recruited staff, and identified the sight, among other things. In fact, it was early in the process that the Project Director contacted Action/Peace Corps for advice and assistance. She was advised to seek an organization to serve as 'Grant Manager,' since we had no tract record in Peace Corps. NCNW was approached in the fall of 1978 and that organization very gratefully accepted to be our 'Grant Manager.'"

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Our Procedures require that a party be "interested" in order that its protest may be considered. 4 C.F.R. § 20.1(a) (1979). In determining whether a protester satisfies the interested party criterion, consideration is given to the nature of the issues raised and the direct or indirect benefit or relief sought by the protester. ABC Management Services, Inc., 55 Comp. Gen. 397 (1975), 75-2 CPD 245; Kenneth R. Bland, Consultant, B-184852, October 17, 1975, 75-2 CPD 242. We have considered as too tenuous to constitute interest the mere expectation of employment or of selection as a subcontractor. The reason for our declining to consider protests filed by prospective or actual employees or subcontractors of disappointed offerors is that these are not sufficiently affected by the procurement, particularly

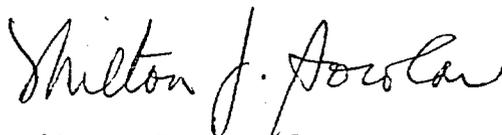
where the offeror has not protested or joined in the protest. Elec-Trol, Inc., 55 Comp. Gen. 730 (1977), 77-1 CPD 441; John S. Connolly, Ph.D., B-188832, B-188846, May 23, 1977, 77-1 CPD 359, aff'd. B-188832, B-188846, July 26, 1977, 77-2 CPD 52. In the latter case, a potential employee who was one of the writers of an unsuccessful proposal was found not to be an "interested party."

Our review of the NCNW technical proposal and budget discloses that while the individuals here would have been in leadership roles during contract performance, the NCNW is the real party in interest. For example, the Director, International Division, NCNW, is designated the "Project Supervisor" who "will consult, advise and supervise the overall operation of the program, * * *." Also, the technical proposal states that the NCNW, as well as the individuals involved here, "made a major investment of time and resources in preparing the accompanying proposal* * *."

We note that the National Council of Negro Women has neither protested, nor advised our Office that the individuals represent the proposer. In view of this, we conclude that the development and consideration of this matter as a bid protest would serve no useful purpose.

Accordingly, the protest is dismissed.

Since this matter will not be considered as a bid protest, the request for a conference is denied. See AAI Corporation, B-192346, November 3, 1978, 78-2 CPD 320.



Milton J. Socolar
General Counsel