

DOCUMENT RESUME

02378 - [A1472457]

[Protest by Potential Employee of Disappointed Bidder].
B-188832; B-188846. May 23, 1977. 2 pp.

Decision re: John S. Connolly; by Paul G. Dembling, General
Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law I.
Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).
Organization Concerned: Department of the Air Force; Technology,
Inc.; University of Texas: Health Science Center.
Authority: 4 C.F.R. 20.1(a). B-181265 (1974). B-177042 (1973).
B-186502 (1976). 49 Comp. Gen. 9.

A potential employee on a contract objected to the
award of the contract to a competitor. As a general policy, GAO
will not develop bid protests filed by potential employees of a
disappointed bidder or offeror where the bidder or offeror
itself does not protest. (Author/SC)

Louis Kozlakowski
Proc. I

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20540

FILE: B-188832
B-188846

DATE: May 23, 1977

MATTER OF: John S. Connolly, Ph.D.

DIGEST:

As general policy, GAO will not develop bid protest filed by potential employee of disappointed bidder or offeror where bidder or offeror itself does not protest.

On April 13, 1977, a protest was received from John S. Connolly, Ph.D., against the award of a contract to Technology Incorporated by the Department of the Air Force under request for proposals (RFP) F33615-77-R-0615.

The University of Texas Health Science Center (UTHSC), which submitted a proposal, has not protested. However, Dr. Connolly "as a potential employee of UTHSC on the contract and as one of the writers of the amended proposal" has protested. In this regard, it is our understanding from UTHSC that Dr. Connolly does not represent UTHSC and is protesting only as a potential employee.

Section 20.1(a) of our Bid Protest Procedures, 4 C.F.R. § 20.1(a) (1977), provides that a party must be "interested" in order that its protest might be considered.

The requirement that a party be "interested" serves to ensure a party's diligent participation in the protest process so as to sharpen the issues and provide a complete record on which the correctness of the challenged procurement may be decided. A protester may well be viewed as possessing a sufficient interest in the award selection in question even though the protester may not or does not choose to bid on the procurement. For example, protests have been considered by our Office which were filed by a labor union, a contractors' association and a Chamber of Commerce. See District 2, Marine Engineers Beneficial Association-Associated Maritime Officers, AFL-CIO, B-181265, November 27, 1974, 74-2 CPD 298; B-177042, January 23, 1973, and 49 Comp. Gen. 9 (1969). Generally, in determining whether a protester satisfies the "interested party" requirement, consideration should be given to the nature of the issues raised by the protest and the direct or indirect benefit or relief

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sought by the protester. However, we have stated that, as a general policy, we will not develop protests filed by individual employees of disappointed bidders or offerors where the bidder or offeror itself does not protest. See A. Kenneth Bernier and C. J. Willis, B-186502, July 19, 1976, 76-2 CPD 56. This policy has equal application to potential employees.

Therefore, we will not consider the protest.

Paul G. Dembling
Paul G. Dembling
General Counsel