



Comptroller General
of the United States

314211

Washington, D.C. 20548

Decision

Matter of: CopySolutions
File: B-258917
Date: November 2, 1994

DECISION

CopySolutions protests the award of a contract to Bartlesville Office Supply, Inc., by the Department of Health and Human Services (HHS), for the provision of facsimile machines at the offices of the Public Health Service, Oklahoma City, Oklahoma. CopySolutions alleges that HHS revised its specifications in making an award to Bartlesville, namely, by eliminating a requirement that the facsimile machines interface with the agency's computer network. CopySolutions protests that, had it been apprised of the agency's relaxed requirements, it could have proposed facsimile machines without a computer interface at a much lower price, so as to be competitive with Bartlesville.

HHS awarded the contract to Bartlesville, an Indian-owned firm, pursuant to a Buy Indian set-aside. CopySolutions is not an Indian-owned firm. Thus, CopySolutions would not be eligible for the award of this set-aside contract even if we sustained its protest that HHS relaxed the technical specifications in awarding to Bartlesville.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must have a direct economic interest which would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a protester is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were

its protest to be sustained. ECS Composites, Inc.,
B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Since the
protester, as an other-than-Indian firm, is ineligible for
award of this contract, it is not an interested party for
the purpose of challenging this procurement. See ARO Corp.,
B-231438, July 22, 1988, 88-2 CPD ¶ 74.

The protest is dismissed



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