



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Vitalink Communications Corporation
File: B-232636
Date: November 21, 1988

DIGEST

Protester is not an interested party entitled to protest where the protester, as fourth low offeror, would not be in line for award even if the protest were sustained; the fact that the next low offeror was offering protester's product does not render protester interested since interest is based on protester's own direct economic interest as the firm next in line for award.

DECISION

Vitalink Communications Corporation protests the award of a fixed-price contract to Bridge Communications, Inc., under request for proposals (RFP) No. DCA100-88-R-0115, issued by the Defense Communications Agency for telecommunications equipment. We dismiss the protest.

The RFP provided that award would be made to the responsible offeror submitting the lowest-priced, technically acceptable offer. Four firms were found by the contracting activity to have submitted proposals compliant with the stated technical requirements. The awardee, Bridge, proposed a price of \$19,907.50, and Vitalink was fourth low with a proposed price of \$39,875. Vitalink contends that the product offered by Bridge does not conform to the technical specifications set forth in the solicitation.

To be considered by our Office, a protest must be filed by an "interested party," defined in our Bid Protest Regulations as an actual or prospective bidder or offerer whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. See 4 C.F.R. § 21.0(a) (1988). In determining whether a protester is sufficiently interested, we examine the extent to which there exists a direct relationship between the questions raised and the party's asserted interest and the degree to which the interest is established. In general, a

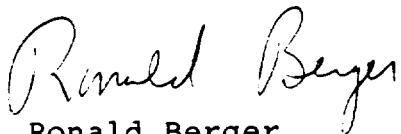
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party will not be deemed interested where it would not be in line for award even if the protest were sustained. Zinger Construction Co., Inc., B-220203, Oct. 30, 1985, 85-2 CPD ¶ 493.

Applying this standard here, we find that since Vitalink is only the fourth low offerer, the firm is not an interested party eligible to bring this protest against the award to Bridge; even if we sustained the protest, Vitalink would not be in line for award. Gracon Corp., B-219663, Oct. 22, 1985, 85-2 CPD ¶ 437.

Notwithstanding the relative ranking of proposals, Vitalink argues that it should be considered an interested party because both Aquila Tech and Primary Telecommunications, the second and third low offerors, proposed to supply Vitalink products. As mentioned above, however, a party's protest interest is based on its own direct economic interest as the firm next in line for award if its protest is sustained. A protester's interest as a manufacturer of a product to be supplied by another offeror in line for award is not sufficient for the protester to be considered an interested party under our Regulations. See ADB-Alnaco, Inc., 64 Comp. Gen. 577 (1985), 85-1 CPD ¶ 630.

The protest is dismissed.



Ronald Berger
Associate General Counsel