

3. Thomas



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** JT Construction Company, Inc.

**File:** B-266082

**Date:** September 26, 1995

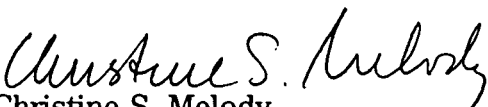
## DECISION

JT Construction Company, Inc. protests the award of a contract to Bravo Construction Company, the low bidder, by the Department of the Navy under invitation for bids No. N62467-94-B-0874. JT Construction contends that Bravo does not have the resources to perform the contract and that Bravo did not submit a valid bid bond.

We dismiss the protest on the basis that the protester is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988 and Supp. V 1993), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). 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. In this case, the agency advises that JT Construction is third in line for award and since there has been no challenge to the eligibility for award of the intervening bidder who would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

To the extent, JT Construction states that Bravo does not have the ability to perform the contract, this is a matter we will not review. A determination that a bidder is responsible is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. 4 C.F.R. § 21.3(m)(5).

  
Christine S. Melody  
Acting Associate General Counsel

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