

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-186800

DATE: August 9, 1976

MATTER OF: Communitronics Ltd.

61310

98715

DIGEST:

Where statute prohibits GAO from disallowing credit for an expenditure determined by TVA Board to be necessary to carry out TVA act, protest involving TVA contract award is dismissed because no useful purpose would be served by its consideration.

Communitronics Ltd. has forwarded a copy of its June 18, 1976, protest to the Tennessee Valley Authority (TVA) concerning the award of contract 6-100586 to the General Electric Company. Communitronics Ltd. argues that, as the low bidder meeting the specification requirements, it was entitled to the contract award.

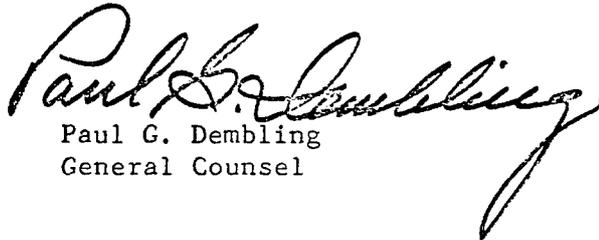
Our Bid Protest Procedures provide that an interested party may protest to this Office the award or the proposed award of a contract by or for an agency of the Federal government whose accounts are subject to settlement by the General Accounting Office. 4 C.F.R. 20.1(a) (1976).

However, TVA is a Government corporation whose purchasing and contracting authority is set forth in subsection (b) of section 831h, Title 16, United States Code, in part as follows:

"* * *Provided, That, subject only to the provisions of this chapter, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements and arrangements, upon such terms and conditions and in such manner as it may deem necessary including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office * * * shall not disallow credit for, nor withhold funds because of, any expenditure which the

Board shall determine to have been necessary to carry out the provisions of said chapter."

Inasmuch as our Office is precluded from disallowing credit for any expenditure which the Board determines necessary to carry out the TVA act, we could not take any remedial action with respect to expenditures (determined necessary by the Board) under the award, even if we should find the award improper under the rules generally applicable to Government procurement. In the circumstance, we must conclude that no useful purpose would be served by our consideration of the matter.



Paul G. Dembling
General Counsel