

DOCUMENT RESUME

02390 - [A1572561]

[Protest against Cancellation of Solicitation by the Department of Housing and Urban Development]. B-188283. May 26, 1977. 1 pp.

Decision re: W. C. Hawley and Associates, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: General Government: Other General Government (806).

Organization Concerned: Department of Housing and Urban Development; Department of Justice.

Authority: 12 U.S.C. 1702. B-188283 (1977).

Protest against cancellation of solicitation by Department of Housing and Urban Development (HUD); was not considered by GAO, since statutes cited grant broad authority to the Secretary of HUD to make expenditures "without regard to any other provisions of law governing the expenditures of public funds." (Author/DJM)

Mr. Sherry
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DECISION



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

FILE: B-188283

DATE: May 26, 1977

MATTER OF: W.C. Hawley and Associates, Inc.

DIGEST:

Protest against HUD's cancellation of public offering will not be considered by GAO since, as noted in E. L. Spencer Lumber Co., and John Ellis, B-188283, February 23, 1977, 77-1 CPD 134, Secretary of HUD has broad authority pursuant to 12 U.S.C. § 1702 (1970) to make expenditures "without regard to any other provisions of law governing the expenditures of public funds."

By letter dated May 4, 1977, the Department of Justice forwarded to our Office a protest which had been erroneously filed with it by W.C. Hawley and Associates, Inc. (Hawley) against cancellation of the Department of Housing and Urban Development's (HUD's) public offering of the Penthouse Garden Apartments, Pass Christian, Mississippi (Project No. 065-00051).

In a recent decision of our Office, E.L. Spencer Lumber Co., and John Ellis, B-188283, February 23, 1977, 77-1 CPD 134, two protests concerning the same project were dismissed. In that decision we pointed out that since the extraordinary authority granted to the Secretary of HUD by 12 U.S.C. § 1702 (1970) to make expenditures "without regard to any other provisions of law governing the expenditures of public funds" provided our Office with no legal basis to question the Secretary's expenditure of funds, the protests could not be considered. Accordingly, for the reasons stated in our prior decision the instant protest is not for consideration by our Office.

Paul G. Dembling
Paul G. Dembling
General Counsel