

DOCUMENT RESUME

02997 - [A2013104]

[Protest to Rejection of Bid on Property Management Broker Contract]. B-189517. July 18, 1977. 2 pp.

Decision re: R. Y. Gomez Real Estate; 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.

Authority: Department of Housing and Urban Development Act (P.L. 89-174; 79 Stat. 669; 42 U.S.C. 3543). 12 U.S.C. 1713. 12 U.S.C. 1702. B-186033 (1976).

Protestor objected to the rejection of its bid for a management broker contract by the Department of Housing and Urban Development (HUD). HUD's award of the contract was not considered as a subject of bid protest because the Secretary of HUD has broad authority to make expenditures without regard to any other related provisions of law. (Author/QM)

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20541

FILE: B-189517

DATE July 18, 1977

MATTER OF: R. Y. Gomez Real Estate

DICEST:

HUD's award of property management broker contract authorized by 12 U.S.C. § 1713 (1970) will not be considered as subject of bid protest because 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 June 28, 1977, R. Y. Gomez Real Estate protested the rejection of its bid for "Area 4 Management Broker Contract" by the Department of Housing and Urban Development (HUD).

Pursuant to 12 U.S.C. § 1713 (1970), the Secretary of HUD may dispose of property notwithstanding any other provision of law relating to the acquisition, handling or disposal of real property by the United States. Furthermore, 12 U.S.C. § 1702 (1970) authorizes the Secretary in pertinent part (1) to make such expenditures as are necessary to carry out the disposal of property and other functions without regard to any other provisions of law governing the expenditures of public funds and (2) to sue and be sued in any court of competent jurisdiction. While this authority formerly resided in the Commissioner of the Federal Housing Administration (FHA), it was transferred in 1965 to the Secretary of HUD by the Department of Housing and Urban Development Act, Public Law 89-174 § 5(a), 79 Stat. 669, 42 U.S.C. § 3543 (1970).

B-189517

Consequently, no useful purpose would be served by our review of the award of a property management broker contract and the matter is dismissed. Hanson Realty Co., B-186033, July 8, 1976, 76-2 CPO 23.

Paul G. Dembling
Paul G. Dembling
General Counsel