

DOCUMENT RESUME

03314 - [A2353483]

[Protest against Failure of Agency to Exercise Contract Option Provision Instead of Issuing New Solicitation]. B-189820. August 22, 1977. 1 pp. + enclosure (1 pp.).

Decision re: Transit Service, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1970).

Contact: Office of the General Counsel; Procurement Law I.

Budget Function: General Government; Other General Government (806).

Organization Concerned: Department of the Air Force.

Authority: 4 C.F.R. 20. 56 Comp. Gen. 398.

The protester objected to a decision by the Air Force to issue a new solicitation rather than exercise the option in the present contract with the protester for the required service. Where under the option provision the contract was renewable at the sole discretion of the Government, GAO will not consider the incumbent contractor's contention that the agency should have exercised the contract option provision instead of issuing a new solicitation. (Author/SC)

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DECISION



Decision
(1977)
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20540**

FILE: B-189820

DATE: August 22, 1977

MATTER OF: Transit Service, Inc.

DIGEST:

Where under option provision contract was renewable at sole discretion of Government, GAO will not consider incumbent contractor's contention that agency should have exercised contract option provision instead of issuing new solicitation.

Transit Service, Inc. (Transit), protests a decision by the Air Force to issue a solicitation for bus service at Eglin Air Force Base, Florida, rather than exercise the option in Transit's present contract for such service. Transit's contract was renewable under an option provision at the sole discretion of the Government.

This Office no longer considers under our Bid Protest Procedures, 4 C.F.R. part 20 (1977), an incumbent contractor's contention that an agency should have exercised such a contract option provision. C. G. Ashe Enterprises, 56 Comp. Gen. 398 (1977), 77-1 CPD 166. Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO: B-129820

August 22, 1977

The Honorable William Dickinson
House of Representatives

Dear Mr. Dickinson:

Reference is made to your interest in the protest of
Transit Service, Inc., against the issuance of a solicitation
for bus service at Eglin Air Force Base, Florida.

Enclosed is a copy of our decision of today dismissing
the protest, as well as C. G. Ashe Enterprises, 56 Comp. Gen. 398
(1977), 77-1 CPD 166.

Sincerely yours,


Paul G. Dembling
General Counsel

Enclosures - 2