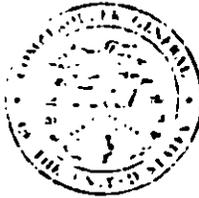


03941

4219

M. B. Brown
Pres. III

DECISION



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

FILE: B-189877(3)

DATE: October 19, 1977

MATTER OF: Kentucky Building Maintenance, Inc.

DIGEST:

Protest by successful bidder against solicitation provision is dismissed because protester no longer challenges award itself, but terms of contract, a matter of contract administration which is for resolution by the contracting agency.

On September 8, 1977, Kentucky Building Maintenance, Inc. (Kentucky) protested to our Office the rejection of its August 11, 1977 protest to the contracting agency against the propriety of a "special note" contained in Amendment No. 2 to Invitation for Bids No. 03C7-0885-01, issued by the General Services Administration. Notwithstanding Kentucky's protest to the agency, bid opening took place on August 16, 1977.

We are advised that, notwithstanding the alleged solicitation defect, Kentucky was able to submit a successful bid under the instant solicitation, notice of award having been sent to the protester by letter dated September 30, 1977. Under the circumstances, the protester's objection no longer relates to the propriety of the contract award itself, but to the terms of contract performance, for resolution by the contracting agency. As we stated in What-Mac Contractors, Inc., B-187782, December 15, 1976, 76-2 CPD 500:

"* * * since [the protester] has been awarded the contract, any question it now has regarding specification requirements is for administrative resolution with the contracting agency."

E-189877(3)

Accordingly, the protest is dismissed.

Milton J. Fowler
for Paul G. Dembling
General Counsel