

Proc I

DECISION



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

[Protest of Contract Award for Firefighting Services at Military Base]
10,157

FILE: B-194084

DATE: May 14, 1979

MATTER OF: Local F76, International Association
of Firefighters--Request for
Reconsideration

DLG01663

DIGEST:

Where request for reconsideration does not show errors of fact or law in prior decision dismissing protest, decision is affirmed.

Local F76 of the International Association of Firefighters has requested reconsideration of our decision in Local F76, International Association of Firefighters, B-194084, March 28, 1979, 79-1 CPD 209. In that decision we dismissed Local F76's protest concerning several procurement actions at Richards-Gebaur Air Force Base, Missouri. Local F76 maintains that our decision erroneously found its protest concerning the award of a contract in March 1979 to be untimely.

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This is a misreading of our decision. In this regard, Local F76's letter of protest, received February 6, 1979, stated in pertinent part:

"In July 1978 the Marine Corps reached a decision to contract the support services * * * and on 1 October 1978 the responsibility for all support services for this area was assumed by contractors.

* * * * *

"This contracting process was inconsistent with the desire of Congress * * *. The Air Force and Navy in collusion with the Marine Corps have ignored the provisions of the Office of Management and Budget Circular A-76 * * *.

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"Now the Air Force is starting a contracting process which began 6 January 1979 * * * which will replace the remaining Civil Services employees with private contractor employees."

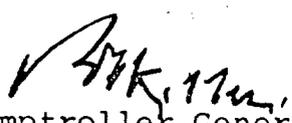
Our earlier decision pointed out that insofar as Local F76 was protesting contract awards made in October 1978, the protest was untimely under our Bid Protest Procedures. We did not hold that the protest insofar as it concerned the procurement begun in January 1979 was untimely. Rather, our decision pointed out that the issues raised by Local F76 in that regard--primarily, the alleged violation of OMB Circular A-76--were not properly for consideration by our Office in our bid protest function.

The protester has presented one new item of information relating to the contracts awarded in October 1978. In this regard, Local F76 notes that a March 21, 1979, letter it received from the Marine Corps states in part: "The contract for firefighting was not finally executed until early March 1979, with an effective date of October 1, 1978." The protester maintains "The fact that the Department of the Navy found it necessary to finalize a contract in March 1979 backdated to 1 October 1978 substantiates our protest * * *." We note, however, that the Marine Corps does not state that the contract was "backdated." There is nothing unusual in Government contracting about a party being issued a notice of award consummating the contract, with formal execution of the contract documents taking place at a later date. In any event, as indicated in our earlier decision the protester's basic grievance relates to the decision to contract-out certain services, which is not for consideration by our Office.

B-194084

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In view of the foregoing, no errors of fact or law in our earlier decision have been demonstrated, and that decision is accordingly affirmed.


Deputy Comptroller General
of the United States