

Zuckerman Pl.

16078

DECISION



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

FILE: B-201882

DATE: February 10, 1981

MATTER OF: Arrow Transportation, Inc.

DIGEST:

[Protest] Award of license for taxicab service on military installation which does not involve use of appropriated funds is not subject to GAO review.

Arrow Transportation, Inc. protests the award of a transportation "license" to provide commercial taxicab service to base personnel at Fort Lee, Virginia. The license does not involve the use of appropriated funds.

GAO Bid Protest Procedures are founded upon the settlement authority in 31 U.S.C. § 71 and § 74 (1976), 4 C.F.R. § 20.1(a) (1980). Where no appropriated funds are involved, the accounts are not subject to our settlement authority and we have no basis upon which to consider the matter. Wang Laboratories, Inc., B-195015, June 25, 1979, 79-1 CPD 454.

The license awarded here does not involve the use of appropriated funds, i.e., the license is merely authority to operate on the Fort Lee premises and to convey passengers to various locations at agreed rates. Neither are there any funds flowing to the Government as a result of this licensing arrangement.

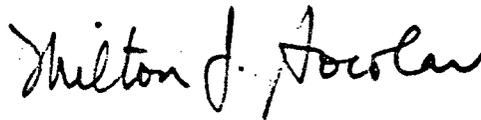
Thus, this case can be distinguished from those involving the award of a franchise for services on a military base to be paid for principally by military personnel ordering such services, but which included service for the Government and which obligated the Government for termination costs; see Teleprompter of San

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Bernadino, Inc., B-191336, July 30, 1979, 79-2 CPD 61, and those involving the award of a concession where the Government is to receive "rental" payments. See 41 Comp. Gen. 493 (1962).

In addition, we point out that the protest is untimely. Award was made on September 22, 1980 and Arrow had notice of the award not later than October 30, 1980. Under our Bid Protest Procedures, a protest must be filed within 10 days after the basis of the protest is known or should have been known, whichever is earlier. 4 C.F.R. 20.2(b)(2). Thus, even if we had jurisdiction over the matter we would not consider it.

The protest is dismissed.



Milton J. Socolar
General Counsel