

DECISION

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

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FILE: B-209602 DATE: November 8, 1982

MATTER OF: Atoll Enterprises

DIGEST:

Protest alleging that agency has improperly refused to consider unsolicited proposal to perform services presently performed by Government personnel does not raise issue which is appropriate for review through protest process because the agency's decision not to solicit bids from commercial sources for this purpose is a matter of executive branch policy.

Atoll Enterprises protests a decision by the Naval Air Systems Command (NAVAIR) which has refused to consider an unsolicited proposal to furnish aviation support services for the Pacific Missile Range. The services in question are presently performed by Government personnel. In rejecting Atoll's proposal, NAVAIR indicated that the "Navy has no plans at this time to contract the function out." We will not consider this protest.

Atoll states that the Navy's explanation constitutes inappropriate and insufficient grounds for rejection. Also, Atoll contends that the Navy's decision should have been made by the Pacific Missile Range Facility (PMRF) rather than NAVAIR in Washington, D.C. and that, because the Navy's decision was made by NAVAIR, its right to a fair and impartial review by PMRF has been compromised. According to Atoll, it should be awarded a contract based on its proposal.

Initially we note that, contrary to Atoll's belief, favorable consideration of its proposal would not entitle it to the award of a contract without

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competition if other firms would be capable of performing the same work. Defense Acquisition Regulation § 4-910 (1976 ed.).

However, before Atoll could even compete to provide these services, the Navy must decide to contract for them. In this respect, an agency's decision to perform a function in-house rather than to solicit bids from commercial sources to perform the function by contract has long been viewed as a matter of executive policy which this Office does not consider in the bid protest forum. Rand Information Systems, B-192608, September 11, 1978, 78-2 CPD 189.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel