

**DECISION**



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

**FILE:** B-209051

**DATE:** January 10, 1983

**MATTER OF:** International Business Investments

**DIGEST:**

Protest is dismissed as academic where the Department of Defense Authorization Act for fiscal year 1983 prohibits the awarding of new contracts for guard services.

International Business Investments (IBI) protests the Department of the Navy's (Navy) actions under invitation for bids (IFB) No. N62472-82-B-0138, for guard services. We dismiss the protest.

Bids were opened on June 15, 1982, as a part of a cost comparison between Government performance and contractor performance. Seven bids were submitted. The low bidder was Puget Sound Service, which was found to be nonresponsible, and the second low bidder was IBI.

The Navy advises that award of the contract has been indefinitely postponed because of a moratorium on the award of new contracts for guard services contained in the Department of Defense Authorization Act (Act), 1983, Pub. L. No. 97-252, § 1111, 96 Stat. 718, 852 (1982).

We note that appropriated funds for this contract would have been authorized under the Act. However, the Act prohibits appropriated funds from being obligated or expended for this contract, as follows:

**"PROHIBITION REGARDING CONTRACTS FOR  
SECURITY FUNCTIONS**

Sec. 1111. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended to enter into any contract for the performance of fire-fighting functions or security-guard functions at any military installation or facility, except when such funds are for the express purpose of providing for the renewal of contracts in effect on the date of the enactment of this Act."

The prohibition on guard services renders the protest academic because even if we sustain the protest the Navy could not award a contract under the IFB. Our Office does not resolve academic protests. The protest is accordingly dismissed. See Phil Con Corp., B-207082, July 23, 1982, 82-2 CPD 70; Kan-Du Tool & Instrument Corp., B-206739, June 1, 1982, 82-1 CPD 510.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel