

**DECISION**

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

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**FILE:** B-208966.2**DATE:** January 17, 1983**MATTER OF:** J & J Maintenance--Reconsideration**DIGEST:**

Request for reconsideration of a decision dismissing a protest against the termination of a contract is denied. While the protester argues that its protest is actually against the issuance of a new solicitation for the same services, its only grounds for complaint concern the decision to terminate its contract, a matter which GAO does not review.

J & J Maintenance requests reconsideration of our decision in J & J Maintenance, B-208966, October 6, 1982, 82-2 CPD 313. In that case, we dismissed J & J's protest against the General Services Administration's (GSA) decision to terminate J & J's custodial services contract for the convenience of the Government. We took this action because our review of terminations for convenience is limited to instances where the decision to terminate is based on an agency determination that the original contract award was improper.

J & J states that its contract has not yet been terminated, as we assumed in our decision. It argues that its protest actually "goes to the new solicitation and whether under the circumstances a contract should be formed between the Government and a contractor." J & J asserts that the propriety of the new solicitation is a matter for GAO review.

The only specific grounds of protest raised by J & J, however, concern GSA's decision to terminate its contract for the convenience of the Government shortly after exercising the option to extend the contract. While it is true that J & J phrased its protest as one against the new solicitation, it had no objections to the provisions of the solicitation itself. Rather, it stated that the essence of its protest was "the apparent bad faith on the part of the

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Government [since] they knew at the time of the exercise of the option that they intended to terminate for the convenience of the Government." As we stated in our initial decision, this is a matter for consideration by the GSA Board of Contract Appeals, and not a proper subject for our review. The rule is the same whether GSA has actually terminated the contract or only intends to do so. See International Business Investments, Inc., B-201236, December 19, 1980, 80-2 CPD 440.

In short, to address J & J's allegation that the new solicitation is improper we would be required to decide questions which we consider outside the scope of our review. Despite the fact that J & J styles its protest in terms of a new award action, in actuality it remains a protest against the termination of J & J's contract, a matter not for our consideration.

J & J's request for reconsideration is denied.

*Milton J. Fowler*  
for Comptroller General  
of the United States