

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

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FILE: B-215375

DATE: June 12, 1984

MATTER OF: Rufus Byerly

DIGEST:

Protest that the government should sell federal property, taken through government condemnation proceeding, to former owner of property, rather than sell property by public sale, is dismissed. Since protester has not alleged or shown that proposed sale is in violation of any government procurement statute or regulation, complaint is not proper subject of bid protest.

Mr. Rufus Byerly protests the sale of certain federal property in Jasper County, Texas, under solicitation No. GSA-R-1100, issued by the General Services Administration (GSA).

According to the protester, this property was acquired by the government through a condemnation proceeding from his mother. Apparently, the property is not used by the government, and GSA proposes to sell it as surplus. Mr. Byerly contends this will result in the government making a "huge" profit on resale, and Mr. Byerly seeks the return of the property for the amount the government paid plus interest and any other appropriate cost paid by the government.

We dismiss the protest.

Our consideration of bid protests is predicated on our statutory duty to pass upon the legality of the expenditure of public funds. 31 U.S.C. § 3526 (1982) (formerly 31 §§ 71, 74 (1976)). Under this authority, we consider whether a procuring agency has adhered to procurement policies which are prescribed by law and implementing regulations. Triple A Shipyards, B-213433, April 6, 1984, 84-1 CPD 385; Garland Bertram, B-191055, March 3, 1978, 78-1 CPD 167. Mr. Byerly has not alleged or shown that GSA's decision to sell the surplus property through a public sale is in violation of any statute or regulation concerning government procurement and, therefore, the complaint concerning

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the above matters is not for consideration under our bid protest authority. Triple A Shipyards, supra.

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