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DECISION



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

FILE: B-219318 **DATE:** July 24, 1985

MATTER OF: Equity Federal Savings Bank

DIGEST:

Protest against the terms of agency's solicitation of offers for the lease of government-owned space is not for consideration under GAO's bid protest function since it does not concern a procurement by a federal agency of property or services within the scope of the bid protest provisions of the Competition in Contracting Act of 1984, Pub. L. 98-369, 98 Stat. 1175, 1199-1203 (to be codified at 31 U.S.C. §§ 3551-3556), and the agency has not agreed in writing to have GAO decide such protests under the provisions of our Bid Protest Regulations providing for the consideration of non-statutory protests, 4 C.F.R. § 21.11 (1985).

Equity Federal Savings Bank (Equity) protests the terms of invitation for bids No. 8PE-517, issued by the General Services Administration (GSA) to solicit bids for the lease of government-owned space in the Denver Federal Center in Denver, Colorado. Equity alleges that the solicitation is defective because it includes space which Equity now occupies under a contract allegedly giving Equity the right of possession until June 1986. Moreover, Equity contends that GSA is ignoring its obligation to ensure that a fair proportion of contracts are placed with small and small disadvantaged businesses, such as Equity. We dismiss the protest.

The bid protest provisions of the Competition in Contracting Act of 1984 (CICA), Pub. L. No. 98-369, 98 Stat. 1175, 1199-1203 (to be codified at 31 U.S.C. §§ 3551-3556), provide that the Comptroller General shall decide a protest concerning an alleged violation of a procurement statute or regulation if the protest is filed in accordance with the bid protest provisions of CICA. 31 U.S.C. § 3352. These provisions define a "protest" as a written objection to a solicitation by an executive agency "for the procurement of property or services" or the proposed award or award of such a contract. 31 U.S.C.

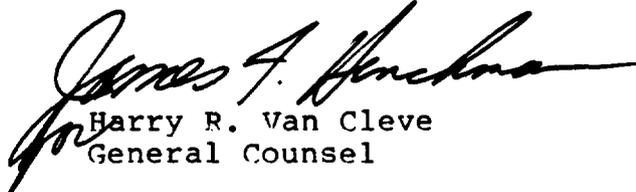
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§ 3551; see 4 C.F.R. § 21.1(a) (1985). A solicitation of offers to lease government-owned space is not a procurement or acquisition by a federal agency of property or services within the meaning of CICA.

Furthermore, although our Bid Protest Regulations provide for the consideration of certain nonstatutory protests where the agency involved has agreed in writing to have its protests decided by GAO, 4 C.F.R. § 21.11, GSA has not agreed to have GAO decide protests concerning GSA's solicitations of offers to lease government-owned property.

While Equity has requested a conference on the merits of its protest, a conference would serve no useful purpose here since it is apparent from the protest that the protest is not for consideration by our Office. See Technical Micronics Inc., B-216545, Nov. 26, 1984, 84-2 C.P.D. ¶ 557.

The protest is dismissed.


Harry R. Van Cleve
General Counsel