

DECISION



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

FILE: B-220302 **DATE:** September 24, 1985

MATTER OF: Chas. G. Stott & Co., Inc.

DIGEST:

The General Accounting Office (GAO) has no authority to consider a protest over the award of a contract by the Federal Deposit Insurance Corporation (FDIC) because the FDIC is not defined as a wholly owned government corporation by the Government Corporation Control Act of 1945 and therefore is not a "federal agency" for the purpose of GAO's bid protest authority.

Chas. G. Stott & Co., Inc. protests the award of a contract to Chasens Business Interiors, Division of N. Chasen & Sons, Inc. under a solicitation issued by the Federal Deposit Insurance Corporation (FDIC). We dismiss the protest.

GAO Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1985), provide that an interested party may protest to this Office a solicitation issued by or for a federal agency for the procurement of property or services, or the proposed award or award of such a contract. 4 C.F.R. § 21.0(b) defines "federal agency" to mean any executive department or independent establishment in the executive branch, including any wholly owned government corporation, and any establishment in the legislative or judicial branch, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

Our regulations are issued pursuant to the Competition in Contracting Act of 1984 (CICA), 31 U.S.C.A. §§ 3551-3556 (West Supp. 1985), which expressly sets forth the bid protest authority of this Office. Section 2741(a) of the CICA provides that the term "federal agency" with regard to bid protests has the

meaning given the term by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 472 (1982)). Section 3 defines the term as including any wholly owned government corporation.

The Government Corporation Control Act of 1945, 31 U.S.C. §§ 9101-9109 (1982), defines the FDIC as a "mixed-ownership Government corporation" rather than a "wholly owned Government corporation." 31 U.S.C. § 9101(2)(C).

Therefore, because the FDIC is not a wholly owned government corporation, it does not fit within the statutory definition of a "federal agency" to allow for our review of the present matter under the bid protest authority afforded to this Office by the CICA. Cf. Monarch Water Systems, Inc., B-218441, Aug. 8, 1985, 64 Comp. Gen. ____, 85-2 CPD ¶ ____ (protest against a solicitation issued by the Tennessee Valley Authority (TVA) held to be within GAO's bid protest jurisdiction because the TVA is designated as a wholly owned government corporation by 31 U.S.C. § 9101(3)(M)).

The protest is dismissed.



Ronald Berger
Deputy Associate
General Counsel