

DECISION



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

FILE: B-222549

DATE: May 14, 1986

MATTER OF: Falcon Systems, Inc.

DIGEST:

The United States Postal Service is not subject to the General Accounting Office's bid protest jurisdiction under the Competition in Contracting Act of 1984 as a result of the statutory provision (39 U.S.C. § 410) exempting the Postal Service from any federal procurement law not specifically made applicable to it.

Falcon Systems, Inc. protests the award of a contract to Grid Systems Corporation under solicitation No. 104230-86-B-0025 issued by the United States Postal Service. Falcon contends that the Postal Service improperly found that the product offered by Falcon was not in current production or commercially available. Because the Postal Service is not subject to our bid protest jurisdiction, we dismiss the protest.

Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C.A. §§ 3551 et seq., (West Supp. 1985), our bid protest jurisdiction extends to alleged violations of procurement statutes or regulations in connection with procurements by federal agencies. See Monarch Water Systems, Inc., 65 Comp. Gen. 756 (1985), 85-2 CPD ¶ 146. Under 39 U.S.C. § 410(a) (1982) the Postal Service is specifically exempted from any "Federal law dealing with public or Federal contracts," except for those laws enumerated in 39 U.S.C. § 410(b); CICA is not included in the list of statutes made applicable to the Postal Service by 39 U.S.C. § 410(b). Accordingly, due to the general exemption from federal procurement laws in 39 U.S.C. § 410(a), the Postal Service is not subject to CICA. See Bid Protest Regulations, 4 C.F.R. § 21.3(f)(8) (1985).

In support of its position, Falcon cites Monarch Water Systems, Inc. supra, in which we held that the Tennessee Valley Authority (TVA) is subject to our bid protest jurisdiction under CICA. The holding in Monarch is inapposite,

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however, since TVA's enabling legislation has no provision equivalent to the exemption from federal procurement laws in 39 U.S.C. § 410 pertaining to the Postal Service.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel