



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Morris Ferry Coop

File: B-226073

Date: March 4, 1987

DIGEST

Protest concerning evaluation of proposal to lease government-owned real property is not for consideration under the General Accounting Office's (GAO) bid protest function, since it does not concern a procurement of property or services by a federal agency as defined in the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (Supp. III 1985). Unless the lessor agency requests in writing that GAO consider the matter under the section of GAO's Bid Protest Regulations providing for the consideration of nonstatutory protests, 4 C.F.R. § 21.11 (1986), GAO will dismiss the protest.

DECISION


Morris Ferry Coop protests the award of a contract to any other offeror under request for proposals No. F40650-86-R-0010, issued by the Department of the Air Force. The solicitation is for the lease of government-owned real property at the Elk River Reservoir in Franklin County, Tennessee. Morris Ferry challenges the evaluation of its proposal, generally alleging that it was inconsistent with the criteria set forth in the solicitation. In particular, Morris Ferry alleges that the agency failed to take into consideration the references and "detailed plans" for recreational development that it submitted in response to a request for information concerning qualifications and proposed development plans.

Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551 (Supp. III 1985), our Office is authorized to review protests concerning proposed contracts for the "procurement of property or services" by a federal agency. A solicitation for offers to lease government-owned property is not a procurement of property or services by a federal

agency within the meaning of CICA. Equity Federal Savings Bank, 64 Comp. Gen. 697 (1985), 85-2 CPD ¶ 81; Surface Alloys Corp., B-222703, June 25, 1986, 86-2 CPD ¶ 7; William Everett, B-220400, Nov. 1, 1985, 85-2 CPD ¶ 507; but cf. Trimmer Marina, B-223107, June 23, 1986, 86-1 CPD ¶ 578.

Although our Bid Protest Regulations provide for the consideration of certain nonstatutory protests where the agency involved has agreed in writing to have us decide them, 4 C.F.R. § 21.11 (1986), the Air Force has requested in writing that we not review this protest.

The protest is dismissed.


Ronald Berger
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General Counsel