



The Comptroller General
of the United States

Washington, D.C. 20548

133589

Decision

Matter of: Atlanta Investigations

File: B-227980; B-227981

Date: July 30, 1987

DIGEST

1. General Accounting Office (GAO) will not review agency decision to conduct limited competitive procurement for interim needs rather than extend an incumbent's contract since purpose of GAO's role in reviewing bid protests is to ensure that all statutory requirements for free and open competition are met.

2. Under the Competition in Contracting Act, agency may, due to urgency, properly limit the number of sources for a competition to those firms it reasonably believes can promptly and properly perform the work and is not required to solicit incumbent firm, where, based on prior work, the agency concludes it no longer can promptly and properly perform the work.

DECISION

Atlanta Investigations protests against the General Services Administration's (GSA) decision not to extend the firm's GSA contract No. GS-04P-86-EWC-0273, and to award a contract on an interim basis to another firm. The contracts are for guard services. We dismiss the protest.

Atlanta, the incumbent contractor for the past 19 months under contract No. GS-04P-86-EWC-0273, states that GSA advised Atlanta that it was the low bidder for the successor contract, No. GS-04P-87-EWC-0108. However, the contracting officer found Atlanta nonresponsible and referred the matter of Atlanta's nonresponsibility to the Small Business Administration for a certificate of competency (COC) determination under 15 U.S.C. § 637(b)(7)(A) (1982). Atlanta apparently has had problems performing the services under its current contract due to a supervisor's illness. GSA elected to issue an interim contract to replace Atlanta until a COC decision is made. Atlanta objects to this contract, arguing that it was denied an opportunity to compete for this interim award. It contends that its current contract should have been extended pending a COC decision.

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The protester's submissions indicate that GSA concluded that Atlanta was unable to continue to perform under its current contract and declined to extend Atlanta's contract. Pending an award of the successor contract, GSA conducted a limited competition for its immediate needs. It solicited several firms, but did not solicit Atlanta.

To the extent Atlanta objects to the agency's decision to conduct a limited competition for its interim needs rather than merely extending Atlanta's contract, we note that since it is the objective of our bid protest function to promote full and open competition for government contracts, we will not review a protest that an agency should extend an incumbent's contract, rather than conduct a competitive procurement. See Stone Tract Assocs., B-225568, Jan. 8, 1987, 87-1 CPD ¶ 38; A.J. Fowler Corp., B-224156, Jan. 8, 1987, 87-1 CPD ¶ 33.

Atlanta's objection to its exclusion from the competition for the interim contract is without legal merit. We previously have held that an agency, in urgent circumstances, where it is not in a position to solicit a large number of firms, may limit the competition to firms with satisfactory work experience which it believes can promptly and properly perform the services. The agency is not required to solicit the incumbent if, in the agency's judgment, there is doubt based on the incumbent's prior record of performance, that the firm can perform the services. Industrial Refrigeration Service Corp., B-220091, Jan. 22, 1986, 86-1 CPD ¶ 67; Reliance Machine Works, Inc., B-220640, Dec. 18, 1985, 85-2 CPD ¶ 685.

We dismiss the protest. See 4 C.F.R. § 21.3(f) (1987).


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