



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Jefferson Bank & Trust

File: B-228563

Date: October 23, 1987

DIGEST

Protest against the award of a lease of government-owned space is not for consideration under General Accounting Office'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, 31 U.S.C. § 3551-3556 (Supp. III 1985).

DECISION

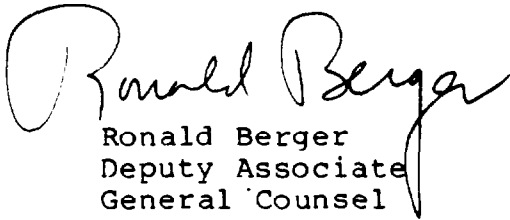
Jefferson Bank & Trust protests the rejection of its bid to lease government-owned office space pursuant to General Services Administration (GSA) invitation for bids (IFB) No. 7PE-DE-704. GSA awarded the lease to United Bank of Lakewood. Jefferson Bank contends that its high bid of \$71.00 annual rate per square foot should have been chosen over United Bank's bid of \$31.00 annual rate per square foot. GSA rejected Jefferson Bank's bid because Jefferson is the incumbent whose prior lease has been terminated for default; GSA believes that acceptance of Jefferson Bank's bid would be tantamount to a downward modification of its prior lease without consideration to the government. Jefferson Bank disputes this determination and also questions whether GSA obtained adequate competition in any event.

The bid protest provisions of the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551-3556 (Supp. III 1985), 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

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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. § 3551. The lease of government-owned space is not a procurement of property or services within the meaning of CICA. See Equity Federal Savings Bank, 64 Comp. Gen. 697 (1985), 85-2 CPD ¶ 81. This matter therefore cannot be considered under our CICA bid protest authority.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel