

R. Berger



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Columbia Communications Corporation

**File:** B-236904

**Date:** September 18, 1989

## DIGEST

Protest concerning the sale of services is not subject to review by the General Accounting Office in the absence of the contracting agency's agreement to have protest considered.

## DECISION

Columbia Communications Corporation protests the award of a contract by the National Aeronautics and Space Administration (NASA). Under the contract, denominated as an "Agreement," NASA is to provide "Tracking and Data Relay Satellite System (TDRSS) C-Band Services" for international communications purposes in exchange for payments by the awardee.

Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 et seq. (Supp. IV 1986), we are authorized to consider protests concerning contracts for the "procurement of property or services." 31 U.S.C. § 3551(1). Clearly, this protest does not involve the procurement of property or services. Rather, it involves a contract for the contractor's use of a NASA satellite in exchange for monetary consideration to be paid to NASA. This is more akin to the lease or sale of government property than it is to a procurement; indeed, NASA refers to the "Agreement" as involving the sale of services. Our protest regulations provide for our consideration of protests involving sales, but only if the federal agency awarding the contract agrees in writing to have us do so. See 4 C.F.R. § 21.11 (1989). Here, NASA has not done so, and has requested that we dismiss the protest. Under these circumstances, there is no

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basis for us to review the protest. See Lone Star Gas  
Liquids Processing, Inc., B-225707, Mar. 23, 1987, 87-1 CPD  
¶ 332, and cases cited therein.

The protest is dismissed.



Ronald Berger  
Associate General Counsel