

P. Williams



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Union Natural Gas Company

File: B-238032

Date: January 26, 1990

DIGEST

General Accounting Office will not consider a protest which sets forth the same issues raised by the protester in a pending claim before the agency's Board of Contract Appeals.

DECISION

Union Natural Gas Company protests the proposed award of a contract for natural gas standby services for Kirkland Air Force Base under letter contract No. DE-AC04-90AL63454 issued by the Department of Energy (DOE).

We dismiss the protest.

Union is the prime contractor to DOE for natural gas supply at Sandia National Laboratories and Kirkland Air Force Base. On December 6, 1989, Union filed this protest with our Office alleging that DOE's attempt to acquire a standby gas supply from other sources constitutes an anticipatory breach of Union's contract. Union also contends that DOE violated applicable procurement regulations by failing to compete this requirement.

Simultaneous with its filing at our Office, Union raised these same issues in an appeal which it filed with the Energy Board of Contract Appeals (EBCA). This appeal was docketed by the Board as EBCA NO. 435-12-89 and we have been advised that the appeal is proceeding before the Board. Union's protest, in fact, relates primarily to a breach claim--a contract administration matter. Further, since it is our policy not to provide protesters with another forum to resolve issues which constitute a claim under an existing

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contract, we will not consider Union's protest. See
Eastern Technologies, Ltd., 66 Comp. Gen. 85 (1986), 86-2
CPD ¶ 533; Bekins Moving and Storage Co. of Hawaii, Inc.,
B-205904, July 28, 1982, 82-2 CPD ¶ 88.

The protest is dismissed.

Robert M. Strong

for Robert M. Strong
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