

R Burkard



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter: Techniarts Engineering
File: B-243045
Date: March 5, 1991

Judith H. Deitz for the protester.
Richard P. Burkard, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

General Accounting Office will not review agency decision to perform services in-house where no competitive solicitation has been issued for cost comparison purposes.

DECISION

Techniarts Engineering, the incumbent contractor under a United States Information Agency (USIA) contract to produce news broadcasts, protests the USIA's decision to perform the production of certain news broadcasts in-house instead of issuing a new solicitation. The protester contends that Office of Management and Budget (OMB) Circular No. A-76, which sets forth the executive branch's policy for determining whether to perform services in-house or under contract, requires that the agency conduct a detailed cost analysis before deciding to perform the services in-house. Techniarts also challenges the agency's determination that the work to be performed is inherently governmental and therefore must be performed by and under the control of government employees.

We dismiss the protest.

We note initially that an agency's decision to perform services in-house need not be based on the results of an A-76 cost comparison. Marann Inventories, Inc.--Recon., B-237651.4, July 20, 1990, 90-2 CPD ¶ 54. Thus, the lack of such a study does not provide a basis upon which to object to the USIA's action.

Moreover, the decision to perform services in-house rather than under contract is a matter of executive branch policy which we will review only where a competitive solicitation for cost comparison purposes has been issued. M&M Servs., Inc., B-242123, Dec. 10, 1990, 90-2 CPD ¶ 477. Although the

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protester alleges the agency initially synopsisized the requirement in the Commerce Business Daily, no competitive solicitation has been or will be issued here for purposes of a cost comparison. Under the above standard, the agency's decision not to issue a solicitation and instead perform the news production services in-house is not a matter for our review. We find that the protester's allegations constitute a dispute as to how the provisions of various executive branch policy directives should be implemented. Accordingly, we will not consider the allegations raised by the protester. See Aquidneck Management Assocs., Ltd., B-234224; B-234224.2, May 12, 1989, 89-1 CPD ¶ 453.

The protest is dismissed.

Michael R. Golden

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Assistant General Counsel