



Comptroller General
of the United States

Washington, D.C. 20548

145747

Decision

Matter of: New Dimensions International

File: B-247421

Date: February 19, 1992

Fred J. Villella for the protester,
Catherine M. Evans, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest of agency actions unrelated to a particular solicitation or award is outside the scope of General Accounting Office bid protest function.

DECISION

New Dimensions International (NDI) protests the actions of the Department of the Air Force's Space System Division (SSD) in connection with systems security management training. NDI challenges the agency's determination that it will no longer pay to send Air Force personnel to serve as instructors at NDI's commercial courses as it had done in the past.

We dismiss the protest.

NDI states that it had provided systems acquisition security training to SSD under contract until July 1991, when the agency decided to procure the requirement under section 8(a) of the Small Business Act.¹ According to NDI, although the agreement between SBA and the 8(a) contractor provided that NDI would receive a subcontract for some of the work, the 8(a) contractor failed to subcontract any work to NDI. NDI complained to the contracting officer in an agency-level protest, but did not receive a response.

During this time, NDI was also conducting commercial courses in systems security management at various locations in the United States. The Air Force apparently would send

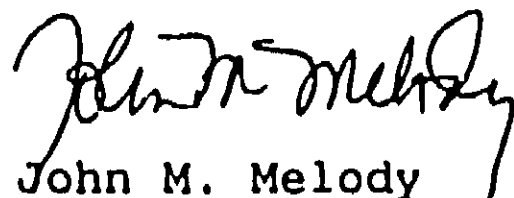
¹Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1988), authorizes Small Business Administration (SBA) to contract with government agencies and to arrange for performance of such contracts by awarding contracts to socially and economically disadvantaged small businesses.

personnel to these courses to serve as instructors, at government expense, pursuant to a "verbal arrangement" with NDI. In January 1992, SSD issued a determination that the arrangement was improper and that it would no longer pay for its personnel to serve as instructors at NDI's commercial courses. NDI alleges that SSD's decision is erroneous, and that it was made in retribution for NDI's agency-level protest against the 8(a) contract.

NDI has not advanced a valid protest basis. The authority of our Office to decide bid protests is established by the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §§ 3551-3556 (1988). This statute provides 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. These provisions define a "protest" as "a written objection . . . to a solicitation by an executive agency for bids or proposals for a proposed contract for the procurement of property or services or a written objection by an interested party to a proposed award or the award of such a contract." 31 U.S.C. § 3551. NDI's allegation that SSD improperly has refused to send instructors to its commercial courses pursuant to a "verbal arrangement" does not pertain to a solicitation or to the award or proposed award of a contract. Therefore, the matter is outside the scope of our bid protest function. See Cajal Defense Support Co.--Recon., B-240477.2, Sept. 14, 1990, 90-2 CPD ¶ 215.

To the extent that NDI appears to be protesting SSD's failure to respond to its agency-level protest, we note that the agency-level protest concerned the 8(a) firm's alleged violation of its agreement with SBA to subcontract work to NDI, a matter of contract administration that is also outside the scope of our bid protest function. See Bid Protest Regulations, 4 C.F.R. § 21.3(m)(1) (1991); Little Susitna, Inc., B-244223, July 1, 1991, 91-2 ¶ 6. Moreover, our Office does not consider protests from prospective subcontractors, as they do not have the requisite direct economic interest in a procurement to warrant their participation in the protest process. 4 C.F.R. § 21.3(m)(10); Hatch & Fortwangler, Inc.--Recon., B-244752.2, Sept. 25, 1991, 91-2 CPD ¶ 281.

The protest is dismissed.



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