



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Johnson & Higgins of Washington, D.C., Inc.

File: B-257302

Date: May 23, 1994

James D. Bachman, Esq., Doyle & Bachman, for the protester.
Edward S. Faggen, Esq., Metropolitan Washington Airports
Authority.

DIGEST

Metropolitan Washington Airports Authority (MWAA) is not a federal agency subject to General Accounting Office's (GAO) bid protest jurisdiction under the Competition in Contracting Act. Although 49 U.S.C. App. § 2456(i) requires GAO to review MWAA contracts to determine whether they were awarded by procedures consistent with "sound Government contracting principles," GAO is to report to Congress on its findings. The provision clearly does not extend GAO's bid protest jurisdiction to cover MWAA procurements.

DECISION

Johnson & Higgins of Washington, D.C., Inc. (J&W) protests the award of a contract to Sedgwick James of Virginia, Inc. under solicitation No. 1-94-CO49, issued by the Metropolitan Washington Airports Authority (MWAA).

We dismiss the protest.

Our bid protest jurisdiction is limited to procurements by federal agencies. Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (1988); 4 C.F.R. § 21.1(a) (1994). MWAA is not a federal agency. Rather, it is an agency established by the states of Maryland and Virginia and the District of Columbia, to which airports formerly operated directly by the federal government have been transferred pursuant to 49 U.S.C. App. § 2451 et seq. (1988). It is specifically designated as a public body independent of the federal government. 49 U.S.C. App. § 2456. We therefore are without jurisdiction to consider the protest. Centex Constr. Co., Inc., B-238812, Mar. 7, 1990, 90-1 CPD ¶ 256.

J&W argues that we have jurisdiction to consider the propriety of the award here under 49 U.S.C. App. § 2456(i) (Supp. IV 1992). As quoted by J&W, this provision states that:

"The Comptroller General shall review contracts of the Airports Authority to determine whether such contracts were awarded by procedures which follow sound Government contracting principles and are in compliance with Section 2454(c)(4) of this title."

Even if this language otherwise could be read as empowering our Office to consider protests challenging MWAA awards, it is clear from the remainder of the provision--selectively omitted by J&W from its protest letter--that this is not the case. That language, which immediately follows the quoted language, states that:

". . . The Comptroller General shall submit periodic reports of the conclusions reached as a result of such review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate."

Reading section 2456(i) as a whole, it is plain that, while our Office was tasked to review contract awards, this was to result in reports to the Congress, not decisions under our bid protest jurisdiction. That is, section 2456(i) did not extend our bid protest jurisdiction to procurements conducted by MWAA which, again, is not a federal agency otherwise subject to that jurisdiction.

The protest is dismissed.



† John M. Melody
Acting Associate General Counsel