



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

Decision

Matter of: Eagle Systems
File: B-258183
Date: September 16, 1994

DECISION

Eagle Systems protests the Department of Health & Human Services's determination that Eagle Systems is not qualified to participate for Travel and Logistic Support of the National Institute of Health International Scientific Agreements.

We dismiss the protest.

Eagle System's protest is not based on an existing solicitation. Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (1988), and our Bid Protest Regulations, 4 C.F.R. § 21.1(a), this Office's jurisdiction is limited to considering protests involving solicitations already issued by federal agencies and awards made or proposed to be made under those solicitations. A. Moe & Co., Inc., 64 Comp. Gen. 155 (1985). Accordingly, in the absence of a solicitation, we will not consider complaints about agency practices or policies. Aguirre Architects, Inc.--Recon., B-230256.2, May 19, 1988, 88-1 CPD ¶ 478 and ADI Servs. Consultants, B-231511, May 31, 1988, 88-1 CPD ¶ 518.

It appears that Eagle Systems may be essentially challenging the agency's decision to exercise an option on the existing contract with Courtesy Associates for these services, rather than competing this requirement. Our Office generally will not question an agency's exercise of an option contained in an existing contract unless the protester shows that the agency failed to follow applicable regulations or that the agency's determination to exercise the option, rather than conduct a new procurement, was unreasonable. Porterhouse Cleaning and Maint. Serv. Co., Inc., B-224215.3, Nov. 10, 1988, 88-2 CPD ¶ 466. Specifically under Federal Acquisition Regulation (FAR) § 17.207(c), a contracting officer may exercise an option only after determining that funds are available; the requirement covered by the option fulfills an existing government need; the exercise of the option is the most advantageous method of fulfilling the

government's need, price and other factors considered; and the option was synopsised in accordance with the FAR, Id. Here, the protester does not allege that the applicable regulations were not followed or submit any evidence showing that the exercise of the option was unreasonable.

The protest is dismissed.



James A. Spangenberg
Acting Associate General Counsel