

DOCUMENT RESUME

02654 - [A1672659]

[Protest against the Issuance of an Invitation for Bids].
B-189157. June 7, 1977. 1 pp.

Decision re: McDonough Construction Co.; by Paul G. Dembling,
General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).
Organization Concerned: Department of the Army: Corps of
Engineers, Norfolk District, VA.
Authority: 4 C.F.R. 20. B-188174 (1977). B-186828 (1976).

The protester objected to the issuance of an invitation for bids on the basis that performance of the new contract would interfere with its ongoing contract by causing changes in worksite conditions. The protester requested either cancellation or substantial modification of the invitation for bids. This was a matter of contract administration and, as such, was not for resolution by GAO. (Author/SC)

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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-189157

DATE: June 7, 1977

MATTER OF: McDonough Construction Company

DIGEST:

Protest against issuance of proposed contract on ground that award of contract will result in interference with protester's performance of existing contract is matter of contract administration not for resolution under GAO Bid Protest Procedures.

By letter dated May 18, 1977, McDonough Construction Company (McDonough) protested the issuance of invitation for bids (IFB) No. DACA65-77-B-0021, by the U.S. Army Corps of Engineers, Norfolk District, Norfolk, Virginia.

McDonough is currently a construction contractor at the Radford Army Ammunition Plant. The proposed contract, for TNT Fume Abatement, is also to be performed at the same work site. In essence, McDonough asserts that performance of the new contract would interfere with its on-going contract by causing changes in work site conditions, thereby resulting in increased costs of performance. McDonough requests either cancellation or substantial revision of the IFB.

Under our Bid Protest Procedures, 4 C.F.R. Part 20 (1977), this Office considers protests alleging illegal or improper actions on the part of procurement officials in awarding contracts. The matter raised by McDonough, however, does not involve the question of an illegal or improper award; rather, it raises an issue--improper Government interference with its own contract performance--which is a matter of contract administration to be resolved under the provisions of McDonough's contract by the contracting agency. Accordingly, this matter is inappropriate for resolution under our Bid Protest Procedures. See SMI (Watertown), Inc., B-188174, February 8, 1977, 77-1 CPD 98; Dyneteria, Inc., B-186828, July 22, 1976, 76-2 CPD 72.

The protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel