

12645 PL-1 Mr. Wooters

DECISION



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

FILE: B-196607

DATE: January 24, 1980

MATTER OF: K.P.M. Corporation

DIGEST:

DLG-03691

GAO will not consider protest concerning procurement actions of Department of Housing and Urban Development (HUD) in connection with property maintenance or improvement responsibilities under National Housing Act, 12 U.S.C. §§ 1701, et seq., in view of broad statutory authority of HUD to make expenditures in connection with those responsibilities.

The K.P.M. Corporation (K.P.M.) has protested the award of a contract to the Elmar Company (Elmar) for the reconditioning of apartments in Lancaster, Pennsylvania, under an invitation for bids issued by the Department of Housing and Urban Development (HUD). K.P.M. complains of the cancellation of an earlier solicitation, due to unreasonable prices under which it was the low bidder, and the subsequent award under this solicitation at a price only slightly lower than its earlier price.

DLG-03692

App 23

While it was not ascertainable from the protester's initial submission, we have been informed that the procurement was conducted under the authority of the National Housing Act, 12 U.S.C. §§ 1701, et seq. (1976). Section 1702 of 12 U.S.C. authorizes the Secretary of HUD to make such expenditures as are necessary to carry out the maintenance or improvement of property without regard to any other provision of law governing the expenditure of public funds and to sue and be sued in any court of competent jurisdiction.

In view of this extraordinary authority granted the Secretary, we have held that we would have no

Contract award protests
Solicitation Cancellation protests
Authorization jurisdiction

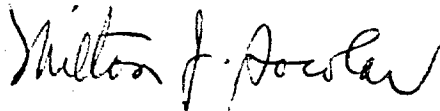
111384

[Protest INVOLVING SOLICITATION
CANCELLATION]

808410

legal basis to question the Secretary's expenditure of funds under that provision. Regal Realty, B-193713, February 13, 1979, 79-1 CPD 103. Accordingly, we must decline to consider the protest.

The protest is dismissed.

A handwritten signature in dark ink, appearing to read "Milton J. Socolar". The signature is fluid and cursive, with the first name "Milton" being more prominent.

Milton J. Socolar
General Counsel