

DECISION



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

13467 PLCG

FILE: B-198247

DATE: April 21, 1980

MATTER OF: Allied Security, Inc.

DIGEST:

Protest alleging agency's failure to conduct cost comparison analysis required by OMB Circular A-76 prior to deciding to perform services in-house is not for consideration under Bid Protest Procedures since provisions of Circular involve Executive policy rather than legal rights and responsibilities and therefore compliance therewith is not within protest decision function of GAO.

Allied Security, Inc. (Allied) protests the Department of Housing and Urban Development's (HUD's) failure to conduct a cost comparison analysis prior to its decision to perform in-house security guard services for the Congress Park Apartments in Washington, D.C.

Allied was the incumbent contractor when HUD decided to have the services performed by HUD personnel as of April 1, 1980. Allied contends that Office of Management and Budget (OMB) Circular A-76 compels an agency to conduct a cost comparison analysis prior to deciding to use in-house personnel rather than contracting out for services.

This is not a matter for review under our Bid Protest Procedures, 4 C.F.R. Part 20 (1980), pursuant to which we consider an agency's compliance with applicable statutes and regulations which impose certain legal obligations and responsibilities. The provisions of Circular A-76, which in general encourage agencies to contract out, only set forth

[Protest Against Failure To Conduct Cost
Comparison Analysis]
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Executive policy; they do not establish legal rights and responsibilities. Consequently, we do not view compliance therewith as within the protest decision function of our Office. Gerald L. Fehlman, B-197714, February 19, 1980, 80-1 CPD 142.

The protest is dismissed.

Norrey R. Van Cleave
for Milton J. Socolar
General Counsel