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DECISION



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

FILE: B-201531

DATE December 30, 1980

MATTER OF: City Taxicab & Transfer Co., Inc.

DIGEST:

[Protest concerning procurement by Consolidated Rail Corporation] will not be considered because Conrail is neither agency nor instrumentality of Federal Government.

City Taxicab and Transfer Co., Inc. (City Taxicab) protests certain contracting actions of the Consolidated Rail Corporation (Conrail). We are without jurisdiction to consider the protest.

Our protest jurisdiction is based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers. 31 U.S.C. §§ 71,74 (1976).

Therefore, a party may protest to our Office the award or proposed award of a contract by or for an agency of the Federal Government whose accounts are subject to settlement by this Office. 4 C.F.R. § 20.1(a) (1980). However, Conrail is established by statute as a for-profit organization under the laws of a state and is expressly declared to be neither an agency nor instrumentality of the Federal Government. 45 U.S.C. § 741(a) (1976).

Since Conrail is not a Federal agency subject to our accounts settlement authority, we are without jurisdiction to consider a complaint regarding Conrail's contracting operations. Accordingly, the protest is dismissed.

A handwritten signature in dark ink, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel

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