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DECISION



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

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FILE: B-202857

DATE: June 25, 1981

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MATTER OF: Burnham & Kohutek Associates, Inc.

DIGEST:

GAO does not review bid protests involving Bonneville Power Administration (BPA) procurements since Administrator of BPA has broad discretion in contractual matters so that GAO could not take effective remedial action with respect to BPA procurement actions.

Burnham & Kohutek Associates, Inc. protests certain procurement procedures of the Bonneville Power Administration (BPA) in connection with request for proposals (RFP) No. DE-RP79-81BP23948. For the reasons stated below, we do not review bid protests involving BPA procurements.

The Bonneville Project Act, as amended, 16 U.S.C. §§ 832 et seq. (1976), affords the BPA Administrator extensive discretionary authority to conduct the BPA's contractual affairs as he deems appropriate to promote the BPA's interests. Section 832a(f) of title 16, the definitive provision in this regard, states as follows:

"(f) Subject only to the provisions of this chapter, the Administrator is authorized to enter into such contracts, agreements, and arrangements, including the modification, adjustment or cancellation thereof and the compromise or final settlement of any claim arising thereunder, and to make such expenditures, and in such manner as he may deem necessary."

Protest of Bonneville Power Administration Procurement Procedures

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We have previously observed that this provision was enacted to free the BPA from procurement regulations and restrictions applicable to agencies conducting more conventional Government business and thus enable the Administrator to conduct BPA's business with a freedom similar to that of public corporations. See 46 Comp. Gen. 349 (1966). In light of the Administrator's broad discretion, we have found that we could not take any effective remedial action with respect to BPA's procurement actions and thus have consistently declined to review protests of BPA procurements because no useful purpose would be served thereby. See Bonneville Power Administration, B-114858, July 13, 1976, 76-2 CPD 36; Star Rentals, Inc., B-188632, B-188632, April 1, 1977, 77-1 CPD 229; Fugro Northwest, Inc., B-201087, November 28, 1980, 80-2 CPD 409.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel