

DECISION

1150-405e
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-209206**DATE:** October 13, 1982**MATTER OF:** Suburban Lawn & Landscape Service, Inc.**DIGEST:**

GAO will not consider protest against calculation of cost comparison by an agency to determine, in accord with Office of Management and Budget Circular A-76, whether to perform in-house or to contract out unless the protester has exhausted its administrative review procedures.

Suburban Lawn & Landscape Service, Inc. protests the cost data utilized by the Navy in connection with solicitation No. N62477-82-C-8819 for grounds maintenance at the David W. Taylor Naval Ship Research and Development Center, Annapolis Laboratory, Annapolis, Maryland. We dismiss the protest.

The solicitation provided a five-day period after bid opening for review of cost data used by the Navy to determine, in accordance with Office of Management and Budget Circular A-76, whether the services should be performed in-house or contracted out. Suburban essentially protests that the cost data so utilized was unrealistically low.

When, as here, a relatively speedy administrative review procedure is available for review of an agency's calculation of cost comparison, we will not consider a protest unless the protester has exhausted that procedure. The standard contract clauses regarding cost comparison, included in the solicitation in question, state that interested parties may file written requests for review of cost comparison results with the contracting officer. Under applicable regulations, such requests must be based on specific objections and, as noted above, in this case were to be filed within five days. See Defense Acquisition Regulation §§ 4-1202 and 7-2003.89(c) (DAC 76-28, July 15, 1981).

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Suburban acknowledges that its protest to our Office was filed within the five-day period. The firm apparently elected not to follow the procedures outlined in the solicitation, since the Navy advises us that it has not received a request for an administrative review from Suburban. Although we note that Suburban may therefore have lost its administrative remedies, in view of our policy requiring exhaustion in cases involving A-76 cost determinations, we will not consider the matter. See JAC Management, Inc., 60 Comp. Gen. 372 (1981), 81-1 CPD 174; Urban Enterprises, B-201619, February 17, 1981, 81-1 CPD 101.

The protest is dismissed.

for *F. H. Barclay, Jr.*
Harry R. Van Cleve
Acting General Counsel