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FILE: B-212552

DATE: November 21, 1983

MATTER OF: Coldwell Banker Commercial Group, Inc.

DIGEST:

GAO will not consider protest concerning procurement actions of Department of Housing and Urban Development (HUD) under authority granted to HUD under National Housing Act. 12 U.S.C. §§ 1701, et seq. (1982).

Coldwell Banker Commercial Group, Inc. (Coldwell Banker), protests the Department of Housing and Urban Development's (HUD) failure to negotiate a contract with it pursuant to request for proposals No. 82-3 which calls for providing debt collection services for HUD-held projects nationwide over a 3-year period. Coldwell Banker contends that, after initial proposals submitted by several offerors were evaluated, HUD source selection officials recommended that further negotiations for a contract should be conducted with Coldwell Banker only; instead, HUD requested best and final proposals from Coldwell Banker and another offeror in contravention of the source selection officials' recommendation.

HUD has reported to our Office that the HUD-held projects for which debt collection services are being procured consist entirely of multifamily housing projects insured by HUD under the National Housing Act, 12 U.S.C. §§ 1701, et seq. (1982), and that this procurement is being carried out under authority vested in the Secretary of HUD under such act. Because the National Housing Act authorizes the secretary of HUD to make such expenditures as are necessary to carry out the functions under the act without regard to any other provisions of law governing the expenditure of public funds and also to sue and be sued under the act (12 U.S.C. § 1702), we have consistently held that our Office has no legal basis to question the Secretary of HUD's expenditures under the act. See Regal Realty, B-193713, February 13, 1979, 79-1 CPD 103; Brothers Specifications, Inc., B-199738, October 24, 1980, 80-2 CPD 314.

Accordingly, we decline to consider Coldwell Banker's protest on its merits.

Harry R. Van Cleve
Acting General Counsel