

DECISION

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

FILE: B-215893

DATE: October 29, 1984

MATTER OF: SUB'N PUB, Inc.

DIGEST:

Protest against National Railroad Passenger Corporation (Amtrak) procurement will not be considered by GAO because the corporation's accounts are not subject to settlement by GAO and the federal government has not been involved in a way that would allow GAO to take jurisdiction.

SUB'N PUB, Inc., protests the award of a contract by the National Railroad Passenger Corporation (Amtrak) for Amtrak's fresh sandwich requirements under request for quotations No. X69-066-002. We decline to consider the matter.

Our bid protest authority does not extend to Amtrak because it is a government corporation as defined by 31 U.S.C. § 856 (1982), and Congress intended government corporations to operate with a considerable amount of autonomy. As a general rule, our Office is limited to auditing Amtrak's financial transactions and reporting our findings to Congress. We have considered protests against Amtrak procurements where the Department of Transportation (DOT) was actively involved in the procurement to the point of selecting and rejecting subcontractors and where Amtrak acted for DOT in awarding a subcontract. In this case, DOT advises that it has not been involved in the procurement in either of the above-mentioned ways. Therefore, we will not consider the matter because Amtrak conducted the procurement in its capacity as a private corporation. See Cubic Western Data, B-198530, May 15, 1980, 80-1 C.P.D. ¶ 341; Scotland Oil Company, B-206315, Mar. 2, 1982, 82-1 C.P.D. ¶ 404.

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