



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: American Preparatory Institute of the American  
Educational Complex  
File: B-224395  
Date: October 6, 1986

## DIGEST

1. Protester's complaint of delay by Army in responding to question concerning whether organization which accredited protester was an acceptable accreditation organization under solicitation for education services is academic since the Army agreed that protester was properly accredited and extended bid opening.

2. Protest that procurement for basic skill education program should have been conducted by soliciting competitive proposals, rather than by sealed bids, is denied since Competition in Contracting Act of 1984 provides specific criteria for determining whether sealed bids or competitive proposals should be solicited, and in the Army's judgment, circumstances in present case dictated use of sealed bids.

## DECISION

The American Preparatory Institute of the American Educational Complex (API), protests invitation for bids (IFB) DABT39-86-B-0052, issued by Fort Sill, Oklahoma, for a basic skill education program to be conducted at the Fort.

We deny the protest in part and dismiss it in part.

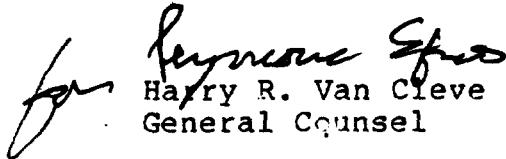
The solicitation, which was issued on May 27, 1986, provided that the contractor would have to be accredited by one of 13 organizations listed in paragraph 1-10g of Army Regulation (AR) 621-5.

According to API, 3 days prior to the scheduled bid opening date of June 27, it delivered a letter to the Directorate of Contracting at Fort Sill, inquiring whether an institution

criteria for determining whether sealed bids or competitive proposals should be solicited. 10 U.S.C. § 2304(a)(2)(A) (Supp. III 1985); The Saxon Corp., B-221054, Mar. 6, 1986, 86-1 CPD ¶ 225. In essence, the statute requires the use of sealed bids if time permits, the award will be made on the basis of price, it is not necessary to conduct discussions and there is a reasonable expectation of receiving more than one bid. Here, in the agency's judgment, these factors were all present. There is nothing in the record or raised by the protester which would cause us to question the agency's decision. The Saxon Corp., B-221054, supra.

Finally, API raises a number of contentions that are either untimely, irrelevant or unsubstantiated. We do not consider such matters.

We deny the protest in part and dismiss it in part.

  
Harry R. Van Cleave  
General Counsel