



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Quality Construction--Request for Reconsideration
File: B-224021.3
Date: November 19, 1986

DIGEST

Question regarding fulfillment of payment and performance bond requirements, which are implemented after contract award is a matter of contract administration not cognizable under General Accounting Office Bid Protest Regulations.

DECISION

Quality Construction (Quality) requests reconsideration of our decision, Quality Construction, B-224021.2, Oct. 24, 1986, 86-2 C.P.D. ¶ _____, in which we dismissed as untimely Quality's protest against the adequacy of American Contracting, Inc.'s (ACI), payment and performance bond sureties under solicitation No. 6-SI-60-01840/DC-7672, issued by the Department of the Interior (Interior). We dismissed this protest because it was filed in our Office more than 10 working days after June 13, the date on which the contracting officer advised Quality that he had denied Quality's similar protest to Interior. Quality asserts that the initial protest to the agency concerned only the adequacy of ACI's bid bond, while the instant protest concerns the adequacy of ACI's payment and performance bonds. The payment and performance bonds were not executed until after the July 25 award of the contract to ACI, and were the basis of a subsequent protest to Interior by Quality on August 21, which was denied by the agency by letter dated October 16.

Quality is correct that its protest which was the subject of our October 24 decision relates to the adequacy of ACI's payment and performance bonds, rather than to its bid bond. Nevertheless, the matter is not for our consideration.

We have held that questions regarding an awardee's fulfillment of payment and performance bond requirements, which are to be implemented after contract award, are matters

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of contract administration which are not cognizable under our Bid Protest Regulations. Safeguard Maintenance Corp., B-215588.2, Nov. 14, 1984, 84-2 C.P.D. ¶ 532; Singleton Contracting Corp., B-212594, Jan 23, 1984, 84-1 C.P.D. ¶ 96; 4 C.F.R. § 21.3(f)(1) (1986).

The request for reconsideration is dismissed.

for *Seymour E. Gros*
Harry R. Van Cleve
General Counsel