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The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: B. C. Lumbert  
File: B-229519.2  
Date: March 23, 1988

### DIGEST

General Accounting Office's statutory authority to decide bid protests generally does not extend to protests of subcontracts awarded under a cooperative agreement.

### DECISION

B. C. Lumbert protests the award of a subcontract awarded by the University of Houston-Clear Lake (UHCL) under a cooperative agreement between the Johnson Space Center, National Aeronautics and Space Administration (NASA), and UHCL. Lumbert alleges that he was denied an opportunity to bid on the contract and that the award violated the Competition in Contracting Act (CICA).

UHCL operates the Research Institute for Computing and Information Systems (RICIS) under its cooperative agreement with NASA. The RICIS had begun to develop an ADA database network supporting its ongoing ADA research. ADA is a developing computer language used primarily by the Department of Defense and defense related industries. Recognizing a need to expand access to information, training, and communications in ADA and software engineering technology beyond the Department of Defense community, a group of West Virginia organizations proposed to NASA, the ADA Joint Program Office, and the Department of Commerce a plan to provide commercial access and support for the ADA technology, that is, to implement a technology transfer project. The proposal was referred to UHCL-RICIS, which, after executing a "Justification for Other than Full and Open Competition," awarded a subcontract to MountainNET, the lead entity for the West Virginia organizations, to investigate the feasibility of the project. Lumbert contends that he had a right to compete for this project under CICA.

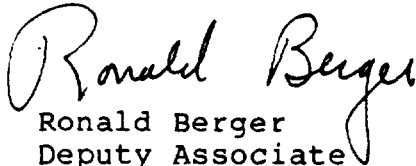
In his protest, Lumbert has not alleged, nor is there any evidence in the record to indicate, that the original award of the cooperative agreement to UHCL was itself improper.

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Rather, Lumbert claims that he was denied an opportunity to bid on a contract involving "ADA software services." The award in question was the subcontract under the cooperative agreement.

Generally, awards of cooperative agreements are not within our protest jurisdiction. Ship Analytics, Inc., B-227084, May 5, 1987, 87-1 CPD ¶ 475. Our Office will review the award of a cooperative agreement only where there is a showing that the agency is using a cooperative agreement where a contract is required. Id. As NASA points out, it necessarily follows that if we do not review the award of the cooperative agreement itself except under limited circumstances, our statutory authority to decide bid protests generally does not extend to subcontracts awarded under a cooperative agreement. Indeed, we do not review the award of a subcontract under a direct federal contract except under very limited circumstances. See, e.g., Westinghouse Electric Corporation, B-227091, Aug. 10, 1987, 87-2 CPD ¶ 145.

There has been no showing here that our review of the subcontract award would be appropriate. Other than attacking the alleged novelty of the proposal and its cost and alleging that it was NASA, not MountainNET, that was the driving force behind the award, the protester has provided nothing which would lead us to conclude that we should review the award. Accordingly, the protest is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel