



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Intelcom Support Services, Inc.

File: B-234488

Date: February 17, 1989

DIGEST

Protest concerning validity of cost comparison made pursuant to Office of Management and Budget Circular A-76 will not be considered where the protester has not exhausted the administrative appeals procedure provided by the agency.

DECISION

Intelcom Support Services, Inc., as low offeror under request for proposals (RFP) No. F21611-87-R-0004, protests the determination by the Air Force to maintain in-house performance of support services at the Air Force Reserve Base, Minneapolis-St. Paul, Minnesota. After performing a cost comparison pursuant to Office of Management and Budget (OMB) Circular A-76, the Air Force concluded it would be more advantageous to the government not to contract for these services.

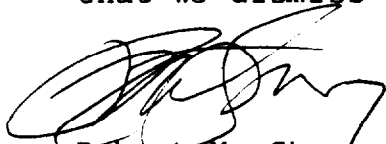
We dismiss the protest.

On December 28, 1988, Intelcom filed an administrative appeal in accordance with applicable Air Force regulations and OMB Circular A-76. Its appeal was denied on January 30, 1989, and on February 9, Intelcom availed itself of the second tier appeal offered under Air Force procedures. In addition, Intelcom filed a protest with our Office on February 13.

Federal Acquisition Regulation § 7.307 (FAC 84-32), in accord with OMB Circular A-76, requires that agencies establish appeals procedures for administrative review of cost comparisons. In response to this requirement, the Air Force has established a two-tiered appeal process in which

the findings of a cost comparison administrative appeal review team may be reviewed by a major command. See Raytheon Support Services Co., B-228032.2, Dec. 30, 1987, 87-2 CPD ¶ 641.

Since there is a relatively speedy appeal procedure, formally included as part of the administrative decision making process for making OMB Circular A-76 decisions, those decisions are not final until that review procedure has been exhausted. JAC Management, Inc., 60 Comp. Gen. 372 (1981), 81-1 CPD ¶ 274. We will not consider a protest of the cost comparison in such a matter unless the procedure has been exhausted. ISS Energy Services, Inc.--Request for Reconsideration, 64 Comp. Gen. 231 (1985), 85-1 CPD ¶ 116. Since Intelcom has not exhausted the administrative review procedure, its filing of a protest with our Office requires that we dismiss its protest as premature.



Robert M. Strong
Associate General Counsel