

Bene Jan 152240



Comptroller General
of the United States

10:4287

Washington, D.C. 20548

Decision

Matter of: Hemet Valley Flying Service Co.; Neptune Inc.

File: B-257902.6; B-257902.7

Date: July 28, 1994

DECISION

Hemet Valley Flying Service Co. and Neptune, Inc. protest the decision by the Department of Agriculture, Forest Service to issue request for proposals (RFP) No. 49-94-03 for airtanker aircraft services, rather than exercising the next option in each protester's current contract for the services.

We dismiss the protests for failure to state a valid basis. See 4 C.F.R. § 21.3(m) (1994).

The agency awarded each of the protesters a contract for airtanker aircraft services for a base period of performance in 1993, with up to four 1-year options, through 1997. Rather than exercising any options in the protesters' contracts, the agency has decided to conduct a competitive procurement. The protesters set forth various reasons in support of their position that the agency's decision to issue the RFP, rather than exercising the next option in their contracts, is unreasonable.

A contracting agency is not required to exercise an option under any circumstances. See Federal Acquisition Regulation §§ 17.201, 17.207. We will not consider an incumbent contractor's allegation that an option should be exercised under an existing contract, since the decision whether to exercise the option is a matter of contract administration outside the scope of our bid protest function. Air Mechanical, Inc., B-216097, Aug. 29, 1984, 84-2 CPD ¶ 240. Since the only remedy each protester seeks is for the Forest Service to cancel the RFP and exercise the next option in its contract, we dismiss the protests for failure to state a valid basis for protest. See Walmac, Inc., B-244741, Oct. 22, 1991, 91-2 CPD ¶ 758.

Christine S. Melody
Christine S. Melody
Assistant General Counsel