



Comptroller General
of the United States

1233198

Washington, D.C. 20548

Decision

Matter of: EROS Division, Resource Recycling
International, Inc.

File: B-257867; B-258090; B-258091

Date: August 19, 1994

DECISION

EROS Division, Resource Recycling International, Inc., protests the issuance of invitation for bids (IFB) Nos. 31-4756, 31-4765, and 31-4434 for sale of scrap B-52 aircraft, issued by the Defense Logistics Agency, Defense Reutilization and Marketing Service.

We dismiss the protests.

On July 12 and August 4, 1994, EROS filed protests with our Office, alleging that the issuance of solicitations for the purpose of sale of B-52 aircraft conflicted with its ongoing requirements contract No. SP4410-94-D-1001, for marketing of scrap B-52 aircraft.¹ The agency has notified our Office that the protester's contract was terminated for convenience of the government on July 27, 2 days prior to bid opening under IFB No. 31-4756, the earliest of the three protested solicitations.

With termination of the requirements contract, EROS no longer states a valid basis of protest. See 4 C.F.R. § 21.3(m) (1994). To the extent that EROS wishes to challenge the termination action, our Office generally does not review such disputes, which are for resolution pursuant to the disputes clause of the contract and the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-13 (1988). 4 C.F.R. § 21.3(m) (1).

The protests are dismissed.

Christine S. Melody
Christine S. Melody
Assistant General Counsel

¹Our review of IFB No. 31-4434 indicates that none of the aircraft offered for sale are B-52s.