



Comptroller General
of the United States
Washington, D.C. 20548

11162812

Decision

Matter of: Production Sciences Inc.--Reconsideration
File: B-258090.3; B-258091.3; B-257867.4
Date: December 28, 1994

DECISION

Production Sciences Inc. (PSI) requests that we reconsider our September 21, 1994, dismissal of its protest against the termination of its contract and the issuance of invitations for bids Nos. 31-4756, 31-4765, and 31-4434 for sale of scrap B-52 aircraft, by the Defense Logistics Agency, Defense Reutilization and Marketing Service.

We deny the request for reconsideration.

PSI initially contends that our decision was premature because it deprived the protester of the opportunity to respond to the agency's motion to dismiss. Under our Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1994), our Office may dismiss a protest at any time once the agency submits information establishing the propriety of a dismissal. Accordingly, there was no requirement that we wait for comments from PSI before dismissing its protest. See AOI Sys., Inc.--Recon., B-240768.2, Oct. 16, 1990, 90-2 CPD ¶ 300; Sermor, Inc.--Recon., B-220041.2, Oct. 8, 1985, 85-2 CPD ¶ 394.

We dismissed the protests because they concerned matters of contract administration, which are the responsibility of the contracting agency and which are more appropriately resolved under the disputes clause of the contract and the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (1988 and Supp. V 1993). PSI contends that our Office should consider the protests as raising issues significant to "procurement practices or procedures." Our Bid Protest Regulations, 4 C.F.R. § 21.2(c), provide for our Office's consideration of untimely protests that present issues

significant to the procurement system. However, the exception, which is strictly construed and seldom used, Air Inc.--Recen., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129, does not apply to issues, such as contract administration, which we would not otherwise consider even if timely raised.

The request for reconsideration is denied.



Paul Lieberman
Acting Associate General Counsel