

Becker



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Geo-Centers, Inc.-Reconsideration

File: B-261716.2

Date: September 5, 1995

DECISION

Geo-Centers, Inc. requests reconsideration of our decision in Geo-Centers, Inc., B-261716, June 29, 1995, 95-2 CPD ¶ ____, in which we dismissed its protest of the award of a contract under request for quotations No. AK-8554 by the Sandia Corporation acting as a management and operating (M&O) contractor for the Department of Energy (DOE). In our decision we noted that our review role in this area was called into question by U.S. West Comms. Servs., Inc. v. United States, 940 F.2d 622 (Fed. Cir. 1991), and stated that in light of U.S. West and the absence of any language in the recently-enacted Federal Acquisition Streamlining Act of 1994, Pub. Law. 103-355, Oct. 13, 1994, addressing the matter, we considered it appropriate to treat subcontract award protests as "non-statutory," that is, subject to our review upon the request of the federal agency awarding the prime contract. Since DOE's regulations were recently amended to no longer provide for our review of M&O contractor procurements, and since DOE had not otherwise requested our review, we dismissed the protest.

On reconsideration, Geo-Centers states that notwithstanding DOE's regulations, the Sandia Corporation's internal procurement regulations do provide for our review of its protested procurements and that therefore DOE did not "divest" us of jurisdiction when it changed its regulations.

Our statutory bid protest jurisdiction is limited to procurements of federal agencies, 4 C.F.R. § 21.1(a); we will also consider, upon the request of the agency, protests of "procurements by agencies of the government other than federal agencies." 4 C.F.R. § 21.11. The Sandia Corporation is neither a federal agency nor an agency of the government other than a federal agency. Thus, even if the Sandia Corporation's

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regulations could be viewed as reflecting its current desire for our review, the corporation is not an entity whose procurements we will review under 4 C.F.R. § 21.11. There is therefore no basis for us to consider the protest. Centex Constr. Co., Inc., B-238812, Mar. 7, 1990, 90-1 CPD ¶ 256.

The request for reconsideration is denied.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Associate General Counsel