



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-231077

April 20, 1988

The Honorable Joe Kolter
House of Representatives

Dear Mr. Kolter:

This responds to your letter of April 1, 1988, concerning a National Park Service procurement for the July 4 fireworks display and requesting that contract award be stayed.

As we advised Mr. _____ of your staff on April 11, the only statutory basis for staying a contract award pending a review by the General Accounting Office is found in 31 U.S.C. § 3553. That section generally provides that after an agency has received notice from the Comptroller General that a protest of a procurement has been filed, a contract may not be awarded while the protest is pending. (The statute does permit award when the head of the procuring activity makes a written finding that urgent and compelling circumstances which significantly affect interests of the United States do not permit waiting for a decision on the protest.) Your letter cannot be considered a protest, however, because the law limits those who can protest to actual or prospective bidders or offerors whose direct economic interest would be affected by the award or failure to award a contract. 31 U.S.C. §§ 3551-3. Accordingly, under the law the National Park Service is not required to stay the award of the contract.

Sincerely yours,

Ronald Berger
Assistant General Counsel