

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

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FILE: B-186293

DATE: July 29, 1976

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MATTER OF: Alpha Omega Brick Construction Company, Inc.

DIGEST:

GAO does not have authority to render decision relative to protest concerning award of contract by General Services Administration for Federal Home Loan Bank Board since GAO has audit but not settlement authority over activities of Board, whose funds are being utilized.

Alpha Omega Brick Construction Company, Inc. (Alpha Omega), has protested the award of a contract by the General Services Administration (GSA) for the interior brick work at the Federal Home Loan Bank Building.

Our Office has recently ascertained from GSA that while the contracts for the construction of the building are being let by GSA, GSA funds are not being used to pay for the building but Federal Home Loan Bank Board assessments of member banks are being utilized as contemplated by 12 U.S.C. § 1438(c) (1970), the statute authorizing construction of the building.

As regards the powers of the Board to contract for the above services, utilizing the services of GSA, 12 U.S.C. § 1438(c)(6) provides that:

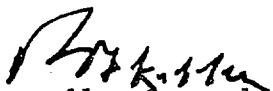
"Except as otherwise provided in this subsection or by the board, the provisions of this subsection and the functions thereby or thereunder subsisting shall be applicable and exercisable notwithstanding and without regard to * * * any other provision of law relating to the construction, alteration, repair, or furnishing of public or other buildings or structures * * *."

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The authority of the Board is, consequently, similar in effect to the extraordinary authority to determine and prescribe obligations found in many Government corporation charters. Indeed, 12 U.S.C. § 1438(c)(6) states that for the purposes of the Government Corporation Control Act (see 31 U.S.C. §§ 846-852 (1970)) the Board is to be considered a wholly owned Government corporation, and that while the Board shall maintain an integral set of accounts which shall be audited annually by our Office, "no other audit, settlement, or adjustment shall be required with respect to transactions under this subsection or with respect to claims, demands, or accounts by or against any person arising thereunder."

Similarly, the responsibility of our Office under the Government Corporation Control Act is limited to performing an audit in accordance with the principles and procedures applicable to commercial corporate transactions. 31 U.S.C. § 850 (1970).

In view of the foregoing and since our bid protest jurisdiction is based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers under 31 U.S.C. §§ 71 and 74 (1970), we must decline to consider the merits of the protest. Sophier, Lerner, Schindler, Environetics, Inc., B-183332, April 28, 1975, 75-1 CPD 263.



Robert E. Kasten
Deputy Comptroller General
of the United States