

DECISION



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

9364

FILE: B-194019

DATE: March 7, 1979

MATTER OF: Cam Industries, Inc.

DLG 01093

DIGEST:

[Allegation that Proposed Awardee's Bid Was Not Responsive To IFB Requirements]

Protest against procurement by Tennessee Valley Authority will not be considered because General Accounting Office is precluded by TVA Act from disallowing credit for expenditures which TVA Board has determined necessary to carry out purposes of TVA Act and remedial action, if considered necessary, would be impossible.

Cam Industries, Inc. (Cam), protests the proposed award of a contract to another firm by the Tennessee Valley Authority (TVA) under invitation for bids (IFB) No. 38-823205. The basis of Cam's protest is that the proposed awardee has not submitted a bid which is responsive to the commercial and technical requirements of the IFB.

While our Office has authority under 4 C.F.R. § 20.1(a) (1978) to consider protests involving procurement actions by or for agencies of the Federal Government whose accounts are subject to settlement by the General Accounting Office, our Office does not consider protests involving procurement actions of the TVA. Under 16 U.S.C. § 831h(b)(1976), the General Accounting Office is precluded from disallowing credit for any expenditure which the TVA Board determines is necessary to carry out the TVA Act. Consequently, no useful purpose would be served by consideration of the protest because even if we were to find some impropriety in the actions of the TVA, we would be unable to effect any remedial action. Motorola, Inc. - Communications Division, B-190746, December 9, 1977, 77-2 CPD 453; Ipsco Fabricators, B-188351, February 28, 1977, 77-1 CPD 148.

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Accordingly, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the typed name.

Milton J. Socolar
General Counsel