

DECISION



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

Elkowitz
Pl. II
29919

FILE: B-216315.2

DATE: December 4, 1984

MATTER OF: ISS Energy Services, Inc.--Request for
Reconsideration

DIGEST:

GAO will affirm dismissal of protest against propriety of cost comparison performed pursuant to OMB Circular A-76 when solicitation contained provision setting forth administrative review procedure that protester did not exhaust.

ISS Energy Services, Inc. requests reconsideration of our decision ISS Energy Services, Inc., B-216315, Sept. 17, 1984, 84-2 CPD ¶ 305, regarding contract No. GS-11C-40321. That decision involved alleged deficiencies in a cost comparison performed by the General Services Administration (GSA) in accordance with Office of Management and Budget Circular A-76.

We affirm our dismissal of the protest because ISS did not first exhaust available administrative review procedures to challenge the wage rate determination used by GSA in calculating the cost of mechanical maintenance and operational services for various buildings in Washington, D.C.

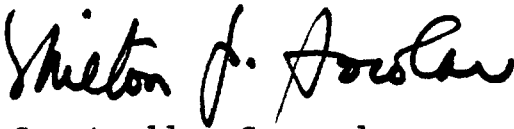
ISS insists that GSA has no administrative review procedures and therefore the requirement for exhaustion is inapplicable. Apparently, however, ISS overlooked a provision in the solicitation expressly setting forth an appeal procedure. This provision, on page I-A-2 of the solicitation, afforded all interested parties 10 working days after bid opening in which to submit questions concerning calculation of the cost comparison. During this period, no final determination

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regarding the question of in-house or contractor performance was to be made. This administrative review procedure conforms to that prescribed in the Federal Acquisition Regulation, § 7-307, 48 Fed. Reg. 42,102, 42,128 (1983) (to be codified at 48 C.F.R. § 7-307).

GSA advises us that ISS did not appeal to it within the 10-day period. In view of this failure to exhaust the remedy announced in the solicitation, we affirm our dismissal of September 17, 1984. See Suburban Lawn & Landscape Service, Inc., R-209206, Oct. 13, 1982, 82-2 CPD ¶ 334.

for 
Comptroller General
of the United States