



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: National Medical Staffing, Inc.

File: B-239262

Date: May 24, 1990

Dr. Gloria M. Bertacchi, for the protester.
Douglas P. Larsen, Jr., Esq., Department of the Navy, for
the agency.
James M. Cunningham, Esq., and John F. Mitchell, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

The General Accounting Office has no authority to consider, let alone issue, stay of reprocurement solicitation pending outcome of protester's appeal of default termination of original contract with the Armed Services Board of Contract Appeals.

DECISION

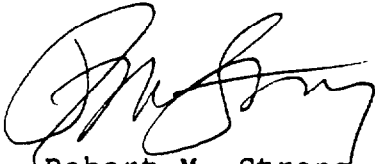
National Medical Staffing, Inc., has protested against the reprocurement of pharmacy technician services for the Naval Hospital, Millington, Tennessee, under solicitation No. N68836-90-R-0085, which was synopsized on March 1, 1990. These services were reprocured because the Navy had previously terminated for default National's original contract (No. N68836-90-C-0028) for these same services on February 1, 1990. Once the default action was taken, National thereafter filed an appeal with the Armed Services Board of Contract Appeals. We understand that National's appeal is still pending with the Board. National's only ground of protest is that it is allegedly impermissible for the Navy to proceed with a reprocurement action while National's appeal is still pending before the Board.

We dismiss the protest.

Although the synopsis for the solicitation was issued on March 1, 1990, the Navy informs us that no solicitation has yet been issued. Therefore, the protest is premature. In any event, National's protest is, in effect, a request that our Office stay the reprocurement pending the Board's

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decision on National's appeal. We have no jurisdiction to consider, let alone issue, the requested stay. Air, Inc.--Reconsideration, B-218179.2, Apr. 10, 1985, 85-1 CPD ¶ 409. In addition, we are not aware of any statutory or regulatory provision which precludes an agency from proceeding with a reprocurement during the pendency of an appeal of a contract termination.

A handwritten signature in black ink, appearing to read "R. Strong", written over the printed name.

Robert M. Strong
Associate General Counsel