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**DECISION**



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

**FILE:** B-218179.2

**DATE:** April 10, 1985

**MATTER OF:** Air Inc.--Reconsideration

**DIGEST:**

Prior dismissal of protest seeking to enjoin reprocurments during pendency of appeal of default terminations to board of contract appeals is affirmed because stay provisions of Competition in Contracting Act, Title VII of Public Law 98-369, do not apply to protests filed prior to January 15, 1985, GAO is not aware of any statute or regulation prohibiting such reprocurments, and the desire for injunctive relief pending another forum's decision on a matter beyond the scope of GAO's bid protest authority is not a proper protest basis.

Air Inc. (Air), requests reconsideration of our decision Air Inc., B-217541, Jan. 25, 1985, 85-1 CPD ¶ 104. In that decision, we declined to review the termination by the General Services Administration (GSA) of its contracts Nos. GS-00F-67327 and GS-00F-67328, with Air since the matter is essentially one of contract administration, properly appealable to the GSA Board of Contract Appeals (Board) or the U.S. Claims Court.

Air now emphasizes that it was not originally protesting the termination, but rather asking that we act to prevent any reprocurement by GSA of the items involved until the Board, to which Air now states it has appealed, reaches a decision. In effect, Air is requesting injunctive relief.

While the Competition in Contracting Act of 1984 (CICA) (Title VII of Public Law 98-369) provides for the suspension of contract award and performance in certain circumstances, these provisions are not applicable to protests filed before January 15, 1985, as was the case with Air's original protest (CICA § 2751(b)(e)). Moreover, the desire for injunctive relief pending a decision by another forum on a matter beyond the scope of our bid protest authority is not a proper basis for protest. In addition, we point out that we are not aware of any

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statutory or regulatory provision which precludes an agency from proceeding with a reprocurement during the pendency of an appeal of a contract termination to the GSA Board.

In view of the foregoing, the prior dismissal is affirmed.

*Ronald Berger*  
for Harry R. Van Cleve  
General Counsel