

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 2054810/1/81
R-T
31063**FILE:** B-218178**DATE:** April 24, 1985**MATTER OF:** P.O.M. Inc.**DIGEST:**

Competition in Contracting Act of 1984, Pub. L. No. 98-369, § 2741, 98 Stat. 1175, 1199-1203 (to be codified at 31 U.S.C. §§ 3551-3556), provides for the consideration of protests filed with GAO by an interested party to a solicitation issued by a "federal agency" for the procurement of property or services. Since the District of Columbia, which by definition is not a federal agency, has informed GAO of its decision that GAO no longer consider protests concerning procurements by the District, protest concerning solicitation issued by the District and which is filed after the January 15, 1985, effective date of the provisions of the act pertaining to bid protests submitted to GAO is dismissed.

P.O.M. Inc. (P.O.M.) protests any award to another firm under invitation for bids No. 0066-11-35-0-5-EJ, issued by the District of Columbia (District), Department of Public Works, for the supply of parking meters. P.O.M. alleges that the District unfairly evaluated the offered parking meters, testing for characteristics not provided for in the specifications, and maintains that it submitted the low, responsive bid. We dismiss the protest.

The Competition in Contracting Act of 1984, Pub. L. No. 98-369, § 2741, 98 Stat. 1175, 1199-1203 (to be codified at 31 U.S.C. §§ 3551-3556), provides for the consideration of protests filed with the General Accounting Office by an interested party to a solicitation issued by a "federal agency" for the procurement of property or services. By definition, the government of the District of Columbia is not a "federal agency." 40 U.S.C. § 472 (1982). With respect to other, nonstatutory protests, such as those filed in regards to procurements by the District, section 21.11 of our new Bid Protest Regulations, 4 C.F.R. § 21.11 (1985), provides that our Office may consider the protests "if the

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agency involved has agreed in writing to have its protests decided by the General Accounting Office."

The District has recently informed us in writing of its decision that we no longer consider protests filed with our Office concerning procurements by the District.

Since this protest was filed after the January 15, 1985, effective date of the provisions in the Competition in Contracting Act pertaining to bid protests submitted to the Comptroller General, we will not consider it.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel