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DECISION



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

FILE: B-187515

DATE: October 29, 1976

MATTER OF: Byron Motion Pictures, Inc.

DIGEST:

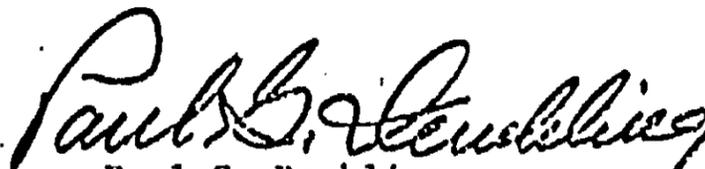
Protest based on contention that procurement for Government owned, contractor operated laboratory provides for unfair competition by Government with private enterprise is dismissed as not being appropriate for resolution by GAO.

Byron Motion Pictures, Inc. (Byron) requests an opinion as to whether a request for quotation (RFQ) No. 2844-76-RQ-0070 issued by the U. S. Navy will result in the Government unfairly competing with private industry. Byron alleges that the RFQ calls for a Government funded post-production laboratory to be operated under contract by personnel of private companies and which will provide laboratory services to Government agencies. Byron contends that it and its competitors can adequately furnish such services in their own privately financed laboratories.

The issue raised by Byron is not one which is appropriate for resolution under the Bid Protest Procedures of this Office. The United States Congress and the Executive Branch of the Government have long been concerned as to when it is proper for the Government to provide for itself commercial and industrial products and services which can be provided under contract by private enterprise. The present policy of the Government in this regard is set forth in Office of Management and Budget Circular A-76.

This Office has always regarded the provisions of Circular A-76 as matters of Executive policy which do not establish legal rights and responsibilities and which are not within the decision functions of the General Accounting Office. 53 Comp. Gen. 86 (1973) and Universal American Enterprises, Inc., B-184555, May 26, 1976, 76-1 CPD 341.

Accordingly, the protest is dismissed.

  
Paul G. Dembling  
General Counsel