



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: CardioMetrix--Reconsideration

File: B-252622.2

Date: April 16, 1993

Elizabeth A. Kaiser, Esq., Saul, Ewing, Remick & Saul, for the protester.
Catherine M. Evans, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Prior dismissal of protest is affirmed where protest concerned agency procurement practices in general, rather than a specific solicitation or award; General Accounting Office's authority to decide bid protests is limited by statute to protests of a particular solicitation or award and does not extend to general protests of agency contracting practices.

DECISION

CardioMetrix requests reconsideration of our March 11, 1993, decision dismissing its protest of certain contracting practices at the Naval Hospital, Philadelphia, Pennsylvania. CardioMetrix asserts that we improperly found its protest to be outside the scope of our bid protest function.

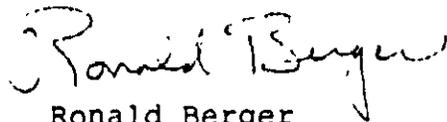
We affirm the dismissal.

In its protest, CardioMetrix alleged that the Naval Hospital was not equitably distributing small purchases among qualified suppliers, as required by Federal Acquisition Regulation (FAR) § 13.106(a). CardioMetrix asserted that it has received virtually no referrals from the hospital since October 1991. We dismissed the protest, as it did not concern a particular solicitation, award or proposed award. As stated in our decision, the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (1988), and our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1993), limit our bid protest jurisdiction to consideration of protests involving solicitations already issued by federal agencies and awards made or proposed to be made under those solicitations. See A. Moe & Co., Inc., 64 Comp. Gen. 755 (1985), 85-2 CPD ¶ 144; National Customer Enq'g, B-250641, Oct. 5, 1992, 92-2 CPD ¶ 226.

In its reconsideration request, CardioMetrix asserts that our decision was based on an error of law, since we previously--in Grimm's Orthopedic Supply & Repair, B-231578, Sept. 19, 1988, 88-2 CPD ¶ 258--exercised jurisdiction over a protest of agency small purchase contracting procedures that did not involve a particular solicitation or award. In Grimm's, we reviewed the reasonableness of the agency's procedures for distributing small purchases for medical supplies; CardioMetrix essentially argues that we should consider the merits of its protest as we did in Grimm's.

Contrary to CardioMetrix's assertion, Grimm's protest was not merely a general challenge to agency procurement practices. Although the protester there did allege, as did CardioMetrix, that the agency's system for allocating small purchases did not comply with regulations, Grimm's also objected to specific sole-source awards to another supplier. It was on the basis of these objections to specific awards--not Grimm's general objection to the allocation procedures--that we assumed jurisdiction. We ultimately reviewed the allocation procedures, but only because their propriety was determinative of the propriety of the specific awards. CardioMetrix's protest, on the other hand, did not refer to any specific improper awards. We therefore had no jurisdictional basis to consider it. See National Customer Enq'g, supra.

The dismissal is affirmed.



Ronald Berger
Associate General Counsel