

Sullivan



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Centex Construction Company, Inc.

File: B-238812

Date: March 7, 1990

Joseph D. West, Esq., Jones, Day, Reavis & Pogue, for the protester.

DIGEST

General Accounting Office does not have bid protest jurisdiction over procurements of the Washington Metropolitan Airports Authority because the Authority is not a "federal agency."

DECISION

Centex Construction Company, Inc., protests the award of a contract by the Washington Metropolitan Airports Authority (WMAA) under solicitation No. 1-90-C091. Centex argues that we have bid protest jurisdiction over this matter by virtue of our audit authority under 49 U.S.C. App. § 2454(c)(7) (Supp. V 1987) and WMAA's "significant use of federal funds to accomplish its activities."


Our bid protest jurisdiction is limited to procurements of federal agencies. 31 U.S.C. § 3551 (Supp. V 1987); 4 C.F.R. § 21.1(a) (1989). A federal agency is:

"any executive department or independent establishment in the executive branch, including any wholly owned government corporation, and any establishment in the legislative or judicial branch, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction." 4 C.F.R. § 21.0(c).

WMAA is not a federal agency. Rather, it is an agency established by the States of Maryland and Virginia and the District of Columbia, to which airports formerly operated directly by the United States have been transferred pursuant to 49 U.S.C. App. § 2451 *et seq.* (Supp. V 1987). It is specifically designated as a public body independent of the

federal government. See 49 U.S.C. App. § 2456 (Supp. V 1987). Since WMAA is not a federal agency, we are without jurisdiction to consider the protest, notwithstanding our audit role^{1/} or any use of federal funds by WMAA. See Environmental Tectonics Corp., 65 Comp. Gen. 504 (1986), 86-1 CPD ¶ 377.

Accordingly, we dismiss the protest.


Ronald Berger
Associate General Counsel

^{1/} 49 U.S.C. App. § 2454(c)(7) (Supp. V 1987) permits us to periodically audit the activities and transactions of the Authority.