



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL
E-195550.3

APR 6 1981

[Protest of Navy Decision to Exercise Contract Option]

Smiley, Murphy, Olson & Gilman
Counsel for District 2, Marine Engineers
Beneficial Association - SMO, AFI-CIO
1819 H Street, N.W.
Washington, D.C. 20006

Attention: Jos. Dinsmore Murphy, Inc.

Gentlemen:

We refer to your letter of March 10, 1981, protesting the decision of the Department of the Navy, Military Sealift Command, to exercise an option under contract No. M00037500000 with Marine Transport Lines (MTL) for the continued operation of nine oil tankers. You also contend that the Navy has failed to comply with the Service Contract Act of 1965, 41 U.S.C. §§ 351 et seq. (1976), with respect to the initial contract with MTL and in subsequent procurement actions.

In our decision Marine Engineers Beneficial Association; Seafarers International Union, E-195550, December 5, 1980, 50 Comp. Gen. ___, 80-2 CFD 418, we dismissed a protest filed by your organization and the Seafarers International Union on essentially the same matters. (The option in issue there was the first of a series in the Navy-MTL contract; the one in issue here is the second.) For the reasons stated, we held that the unions were not interested parties for purposes of protesting the Navy's decision to exercise the option. In subsequently affirming that decision in Marine Engineers Beneficial Association; Seafarers International Union--Request for Reconsideration, E-195550.2, March 23, 1981, 81-1 CFD ___, we also specifically advised that the enforcement of the Service Contract Act of 1965 is within the jurisdiction of the Department of Labor, not our Office.

In view thereof, we will not consider the protest.

Sincerely yours,

Harry R. Van Cleave

Harry R. Van Cleave
Acting General Counsel

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