



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

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SEP 27 1973

B-179675

Burgin, Gholson, Hicks and Nichols
Post Office Box 32
Columbus, Mississippi 39701

Attention: Hunter M. Gholson, Esquire

Gentlemen:

This is in reply to your letter of September 7, 1973, protesting on behalf of Columbus Building and Supply Company against the refusal of two Department of the Army nonappropriated fund activities to award contracts pursuant to solicitations FTS-NAF-73-2 and FTS-NAF-73-4 issued at Fort Stewart, Georgia.

This Office is currently precluded from considering matters involving nonappropriated fund activities, since the rules and procedures governing procurements by the Military Departments are derived from procurement statutes and regulations which apply only to purchases or services for which payments are to be made from appropriated funds, and since nonappropriated activities are not subject to audit by our Office. B-178786, July 13, 1973; B-171417, December 17, 1970. Accordingly, we cannot take any action on your protest.

However, in this connection we call your attention to Title IX of S. 2049 introduced in the 93rd Congress to provide for authority for the Comptroller General to review nonappropriated funds activities. The companion bill in the House of Representatives is H. R. 9002.

Sincerely yours,

Paul G. Daxling

Acting Comptroller General
of the United States

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