

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20546

FILE: B-150034

DATE: January 15, 1974

MATTER OF: W.B. Fishburn Cleaners, Incorporated

DIGEST: Since nonappropriated fund activities are not subject to audit or settlement by this Office, we do not have jurisdiction to render an authoritative decision on a protest of a contract award involving expenditure of nonappropriated funds even though the protest raises constitutional objections regarding the award process.

W.B. Fishburn Cleaners, Incorporated, protests the award of a contract to another offeror under solicitation No. ALER 72-60-73-54, for the laundry, dry cleaning and alteration service concession at Carswell Air Force Base.

We have been advised that the contract award which is the subject of the protest will not involve payments from appropriated funds. Nonappropriated fund activities are not subject to audit or settlement by this Office and we, therefore, have no jurisdiction to render an authoritative decision on the protest. 4 CFR 20.1(a). Our position in such matters is mandated notwithstanding the fact that a nonappropriated fund activity is recognized as an instrumentality of the United States and utilizes the provisions of the Armed Services Procurement Regulation. B-178786, July 16, 1973. While the basis for the protest raises constitutional objections with respect to the award process in this case, our jurisdiction, nevertheless, is delimited by our audit and settlement powers.

Accordingly, we are unable to be of any assistance in this matter.

R. F. Keenan
Deputy Comptroller General
of the United States

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