

DECISION

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

28965

FILE: B-184166

DATE: August 1, 1975

MATTER OF: F & H Manufacturing Corporation

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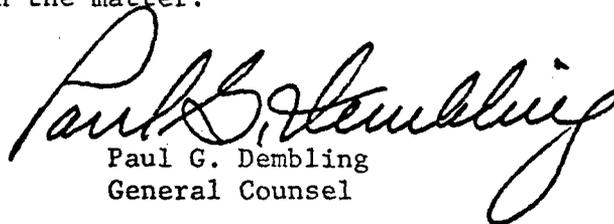
DIGEST:

GAO will not consider protest from contractor regarding termination for default since matter is one for resolution between the contracting parties under "Disputes" clause of contract.

F & H Manufacturing Corp. (F & H) has protested against the award of a contract by the Department of the Army, under invitation for bids No. DSA100-75-B-1149, to any firm other than F & H. The solicitation is a reprocurement of contract No. DSA100-74-C-1383 held by F & H which the contracting officer terminated for default on the grounds that F & H failed to comply with the contract delivery schedule. F & H alleges that its contract was unfairly terminated and that the contracting officer did not comply with the default procedures set forth in the Armed Services Procurement Regulation.

Our Office has held that the propriety of a default termination is a matter to be resolved between the contracting parties pursuant to any applicable provisions of the contract, and is not a proper matter for protest to us. See Ampex Corporation, 53 Comp. Gen. 572 (1974). B-178885, November 23, 1973.

Accordingly, we must decline to consider the issues in controversy and are closing our file on the matter.


Paul G. Dembling
General Counsel