

# DECISION



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

FILE: B-184938

DATE: October 28, 1975

MATTER OF: Structural Composites Industries, Inc.

## DIGEST:

Subcontract protest will not be considered on merits since none of the circumstances necessary for our review of subcontract protests exists. Optimum Systems, Inc., 54 Comp. Gen. 767 (1975), 75-1 CPD 166.

Structural Composites Industries, Inc. (Structural), protests the award of a subcontract by Rockwell International, as the National Aeronautics and Space Administration (NASA) prime contractor under contract No. NAS9-14000.

In Optimum Systems, Inc., 54 Comp. Gen. 767 (1975), 75-1 CPD 166, our Office held that we generally will not consider protests against the award of subcontracts, except where (1) the prime contractor is acting as the Government's purchasing agent; (2) the Government's active or direct participation in the subcontractor's selection has a net effect of causing or controlling the rejection or selection of potential subcontractors or of significantly limiting subcontractor sources; (3) there is fraud or bad faith in the Government's approval of the subcontract award, or (4) a subcontract award is "for" the Government.

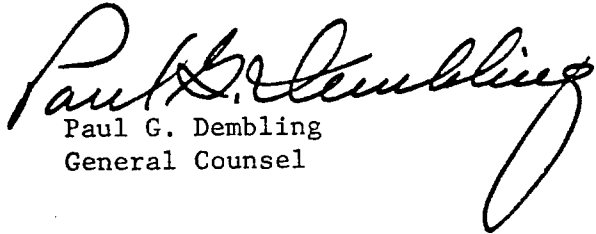
By letter dated September 24, 1975, we furnished both Structural and NASA a copy of Optimum Systems, Inc., and requested their views whether the protested subcontract award fell within one of the four enumerated situations when we consider protests against subcontract awards.

By letter dated October 10, 1975, NASA indicated that under the Rockwell International prime contract it may conduct procurements and award subcontracts up to \$10,000,000 without the prior consent of the contracting officer. Since the protested award was \$5,696,373, no NASA personnel were involved in the procurement process to bring it within one of the four exceptions when GAO considers subcontract protests.

Structural did not respond to our September 24, 1975, request for additional information.

B-184938

Since it appears that the protested subcontract award does not fall within any of the exceptions stated in Optimum Systems, Inc., we are closing our file on the matter without any discussion of the merits.

  
Paul G. Dembling  
General Counsel