

**DOCUMENT DISCLOSURE**

02054 - [A1052046]

[Protest Filed under Procurement Conducted on Behalf of Nonappropriated Fund Activity]. B-188770. April 14, 1977. 1 pp.

Decision re: Fortec Constructors; by Paul G. Deabling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Army: Fort Stewart, GA.

Authority: 4 C.F.R. 20.1(a).

Any award of a contract for design and construction of a commissary at Fort Stewart, Georgia, was protested. The commissary design and construction are funded from a nonappropriated surcharge fund, and protest was not for consideration by GAC. (RRS)

02054

**DECISION**



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

*R. Ayer*  
*Proc II*

**FILE: B-188770**

**DATE: April 14, 1977**

**MATTER OF: Fortec Constructors**

**DIGEST:**

Protest filed under procurement conducted on behalf of nonappropriated fund activity is dismissed since GAO lacks settlement authority over such activities.

Fortec Constructors has protested any award under Request for Proposals (RFP) DACA21-77-B-0080 for design and construction of a commissary at Fort Stewart, Georgia.

The commissary design and construction at Fort Stewart is being funded out of a nonappropriated surcharge fund. Our bid protest procedures only provide for our consideration of protests involving agencies of the Federal Government "whose accounts are subject to settlement" by our Office. 4 C.F.R. § 20.1(a) (1976). Since we do not have such settlement authority over nonappropriated fund activities, we must decline to render a decision on this protest.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel