

DOCUMENT RESUME

02989 - [A2013099]

[Complaint Regarding Award of Subcontract by Prime Contractor of Grantee]. B-189066. July 14, 1977. 1 pp.

Decision re: Custom Control Panels; by Paul G. Dembling, General Counsel.

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

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

Budget Function: General Government: Other General Government (806).

Organization Concerned: General Railway Signal Co.; Metropolitan Atlanta Rapid Transit Authority; Urban Mass Transportation Administration.

Authority: 54 Comp. Gen. 767. 55 Comp. Gen. 390. B-184670 (1975).

Protester complained regarding the award of a subcontract by the prime contractor of a grantee. The protest, however, was not considered on its merits because it did not appear that the subcontract was awarded by or for the grantee. (Author/QM)

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DECISION



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

FILE: E-169066

DATE: July 14, 1977

MATTER OF: Custom Control Panels

DIGEST:

Complaint regarding award of subcontract by prime contractor of grantee will not be considered on merits where it does not appear that subcontract was awarded by or for grantee.

Custom Control Panels (CCP) protests the rejection of its bid and the award of a subcontract by the General Railway Signal Company (GRS) under GRS's prime contract with the Metropolitan Atlanta Rapid Transit Authority (MARTA), a recipient of a grant from the Urban Mass Transportation Administration (UMTA).

In a Public Notice entitled "Review of Complaints Concerning Contracts Under Federal Grants," 40 Fed. Reg. 42406, September 12, 1975, GAO issued the standards and procedures under which we will consider such complaints. Generally, the purpose of our review is to foster compliance with grant terms, agency regulations, and applicable statutory requirements. In accordance with the intent of that Notice, we consider complaints regarding the award of a subcontract under a grant when the award can be said to be "by or for" the grantee under the tests enunciated in Optimum Systems, Inc., 54 Comp. Gen. 767 (1975), 75-1 CPD 166. See Copeland Systems, Inc., 55 Comp. Gen. 390 (1975), 75-2 CPD 237; Barber Electric, B-184670, December 4, 1975, 75-2 CPD 371.

We are advised by UMTA that GRS elected to satisfy its contractual obligation by subcontracting, that GRS acted as an independent contractor and not as an agent for MARTA, and that MARTA neither participated in the selection or rejection of subcontractors nor limited subcontractor sources.

Accordingly, it appears that the subcontract was not awarded "by or for" the grantee. Therefore, we will not consider the matter.

Paul G. Dembling
Paul G. Dembling
General Counsel