

DOCUMENT RESUME

08279 - [A2233363]

[Protest by Subcontractor]. B-189426. August 9, 1977. 1 pp.

Decision re: Vernitron Medical Products; 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  
(906).

Organization Concerned: Department of Agriculture; Joseph Norton  
Co., Inc.

Authority: 4 C.F.R. Part 20. 54 Comp. Gen. 767. B-188037 (1977).  
B-187870 (1976).

A subcontractor protested the rejection of equipment it  
proposed to furnish to the prime contractor for construction  
work. This protest involved a matter of contract administration  
and, therefore, was not a matter for consideration by GAO.  
(Author/SC)

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**DECISION**



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

FILE: B-189426

DATE: August 9, 1977

MATTER OF: Vernitron Medical Products

**DIGEST:**

Protest by subcontractor of agency decision that equipment to be furnished by subcontractor under prime contract is unacceptable will not be considered under GAO Bid Protest Procedures.

Vernitron Medical Products (Vernitron) protests the rejection by the Department of Agriculture of equipment it proposed to furnish as a subcontractor to Joseph Morton Company, Inc. (Morton), the prime contractor for construction work to be performed at the Plum Island Animal Disease Center, Plum Island, New York.

According to Vernitron, it was awarded a contract by Morton on December 6, 1976, for sterilizing equipment for the Plum Island project. Subsequently, in May and June 1977, it was informed that some of the equipment it planned to furnish was unacceptable to the Department of Agriculture. Vernitron objects to both the Department's decision and its refusal to afford Vernitron a hearing on the matter. Vernitron also takes issue with Morton's interpreting the Department's position as disqualifying all of Vernitron's equipment.

Under our Bid Protest Procedures, 4 C.F.R. Part 20 (1977), this Office considers complaints concerning the award of Government contracts. This Office also considers protests concerning the award of subcontracts in limited circumstances. Optimum Systems, Inc., 54 Comp. Gen. 767 (1975), 75-1 CPD 166. However, Vernitron's complaint is not directed to the award of a subcontract. Rather, it concerns the decision of the Government that Vernitron's equipment is unacceptable. This is a matter of contract administration between the Government and the prime contractor which is not cognizable under the Bid Protest Procedures. Lyco-ZF, B-188037, January 17, 1977, 77-1 CPD 36; Flair Manufacturing Corp., B-187870, December 1, 1976, 76-2 CPD 486.

In view of the foregoing, Vernitron's protest will not be considered on the merits.

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