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**DECISION**



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

FILE: B-191096

DATE: February 16, 1978

MATTER OF: National Technical Services, Inc.

**DIGEST:**

Agency determination to award grant to not-for-profit organization is not covered by OMB Circular A-76. Moreover, GAO does not consider "protests" concerning propriety of grant awards.

National Technical Services, Inc. has requested a ruling regarding the need for funding by the Community Services Administration of a solar equipment test facility at the National Center for Appropriate Technology, Butte, Montana.

The protester asserts that Office of Management and Budget (OMB) Circular A-76 admonishes all governmental agencies not to compete with commercial organizations. The firm complains that, in this case, federal funds are being utilized to establish a test facility although there are several competent commercial laboratories existing in the field.

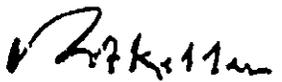
OMB Circular A-76 expresses Executive Branch policy regarding the contracting out for services or performing such services in house with Government employees. The Community Services Administration has advised us that the entity being funded in this case, the National Center for Appropriate Technology, is a not-for-profit organization which receives grants from the Community Services Administration. OMB Circular A-76 would not apply to this situation, because the activity in question is not a "Government commercial or industrial activity" as that term is described in paragraph 3b of the Circular. Moreover, this Office does not consider "protests" concerning propriety of grant awards. See All Indian Pueblo Council, Inc., B-190092, September 22, 1977, 77-2 CPD 219; 40 Fed. Reg. 42406 (1975).

Furthermore, this Office has consistently regarded the provisions of the Circular as matters of Executive policy

B-191096

which are not within the decision-making functions of the General Accounting Office. See Kasper Brothers, B-188276, February 8, 1977, 77-1 CPD 99; 53 Comp. Gen. 86, 88 (1973).

Accordingly, the complaint is dismissed.

  
Deputy Comptroller General  
of the United States