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Proc II

DECISION



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

FILE: B-195804

DATE: September 6, 1979

MATTER OF: Gulf and Western Manufacturing Co.

DIGEST:

1. Bidder's ability to comply with solicitation's Buy American provisions is matter of responsibility to be determined by the contracting officer and will not be reviewed by GAO except in circumstances not present here.
2. Contractor's compliance with Buy American provisions of contract concerns administration of contract and is not for resolution under GAO bid protest function.

Gulf and Western Manufacturing Co. (Gulf), on behalf of its subsidiary Van Norman Machine Division (Van Norman), protests the potential award of a contract to either Stoffel-Fortuna (Stoffel) or Kloster Global (Kloster) under invitation for bids (IFB) DAAA09-78-B-7071 issued by the Army. Gulf contends that neither Stoffel nor Kloster can supply an end product in compliance with the Buy American Act.

To the extent that Gulf is contending that the contract should not be awarded to either bidder because of inability to comply with the Buy American requirements, it is challenging the bidders' responsibility. Nicolet Technology Corp., B-192895, September 28, 1978, 78-2 CPD 244. (Apparently, both bidders submitted bids lower than Van Norman's.) This Office does not review protests alleging the nonresponsibility of a competitor, except in circumstances not present here. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; CSA Reporting Corporation, B-191739, August 31, 1978, 78-2 CPD 160.

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Moreover, whether a contractor complies with its obligations under the Buy American provisions of a contract is a matter of contract administration, Nicolet Technology Corp., *supra*, and is not for resolution under our Bid Protest Procedures, 4 C.F.R. Part 20 (1979). The protest process is reserved for considering whether an award or proposed award of a contract complies with statutory, regulatory and other legal requirements rather than with post award performance or administrative matters. Becker Instruments & Photographic Optics, B-185411, July 14, 1976, 76-2 CPD 43.

The protest is dismissed.

Nancy R. Van Cleave

for Milton J. Socolar
General Counsel