

Proc. J. V.  
Cohen

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**DECISION**



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

FILE: B-204287

DATE: AUG 17 1981

MATTER OF: Bartow Associates, Inc.

**DIGEST:**

Buy Indian Act, 25 U.S.C. § 47 (1976), permits negotiation of contracts exclusively with Indian firms for Indian products at discretion of Secretary of Interior. GAO will not review decision not to limit procurement to Indian firms absent clear showing of abuse of discretion.

Bartow Associates, Inc., protests that request for quotations (RFQ) RQ9100-1-0046, issued by the Department of the Interior's National Park Service, is not set aside for Indian-owned firms under the Buy Indian Act, 25 U.S.C. § 47 (1976). The agency is seeking a wood craftsman to carve a reproduction of a totem pole.

The Buy Indian Act permits the negotiation of contracts for Indian products with Indians to the exclusion of non-Indians. See Means Construction Company and Davis Construction Company, a joint venture, 56 Comp. Gen. 178 (1976), 76-2 CPD 483; see also 41 C.F.R. § 14H-3.215-70 (1980), the regulation promulgated by the Secretary of the Interior to implement the act. The statute does not, however, require that particular procurements be set aside for Indians. Rather, it gives the Secretary of the Interior broad discretionary authority to determine whether such a restriction is appropriate in a given situation. See Department of the Interior--request for advance decision, B-188888, December 12, 1977, 77-2 CPD 454. Therefore, we do not review individual Interior decisions not to limit procurements to Indian firms under the Buy Indian Act unless there is a clear showing that there has been an abuse of the broad discretion conferred by the act. Vallie Enterprises, B-200339, May 29, 1981, 81-1 CPD 423.

[Protest of RFQ Not set Aside Under Buy Indian Act]

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Bartow's letter of protest simply objects to the unrestricted nature of the procurement, which in the firm's view involves an Indian product. It provides no basis for our Office to suggest that the Secretary of the Interior has abused his discretion under the Buy Indian Act.

The protest is dismissed.



*For*

Harry R. Van Cleve  
Acting General Counsel