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DECISION



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

FILE: B-211943

DATE: June 14, 1983

MATTER OF: The Huber Co.

DIGEST:

Award of a contract for construction which does not involve appropriated funds is not subject to GAO review.

The Huber Co. protests the award of a contract to Apex Construction Co. by the Department of the Army (Army) under invitation for bids No. NAF-IMSF-83-B-0013 for the construction of a clubhouse for the golf course at Fort Leavenworth.

We dismiss the protest.

This Office considers protests of contract awards pursuant to its authority under Public Law No. 97-258, § 3526, 96 Stat. 964 (1982) (to be codified at 31 U.S.C. § 3526, formerly 31 U.S.C. §§ 71, 74 (1976)), to settle appropriated fund accounts of the Government. Consequently, we generally consider protests of contract awards which involve the expenditure of appropriated funds. Tenavision, Inc., B-208383, August 18, 1982, 82-2 CPD 153.

In this case, the procurement is for the construction of a clubhouse under the Army's Installation Morale Support Fund, a nonappropriated fund activity. Since the award of this contract does not involve the direct expenditure of appropriated funds, our Office could not take legal exception to the award. Therefore, no useful purpose would be served by our review.

J. H. Barclay, Jr.
for Harry R. Van Cleve
Acting General Counsel