

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

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FILE: B-212298

DATE: July 21, 1983

MATTER OF: Empire Generator Corporation

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.

Empire Generator Corporation (Empire) protests the rejection by the Army, Corps of Engineers, of equipment (automatic transfer switches) it proposed to furnish as a subcontractor under contract No. DACA01-82-C-0101 for construction of a sewage collection and treatment system at Fort Rucker, Alabama. Empire contends that the specifications against which its switches are being judged exceed the actual minimum needs of the Government.

Under our Bid Protest Procedures, 4 C.F.R. part 21 (1983), 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, this complaint is not directed to the award of a subcontract. Rather, it concerns the decision of the Government that Empire'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. Vermitron Medical Products, B-189426, August 9, 1977, 77-2 CPD 103.

Accordingly, Empire's protest will not be considered on the merits.

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Acting General Counsel

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