



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Casecraft, Inc. DECISION

File: B-226796.2

Date: June 30, 1987

DIGEST

Protest contending that a contractor that has failed to obtain the required approval of its pre-production samples should have its contract terminated for default is a matter of contract administration that General Accounting Office does not review under its bid protest function, since the administration of an existing contract is within the discretion of the contracting agency.

DECISION

Casecraft, Inc. protests the failure of the General Services Administration (GSA) to terminate for default contract No. GS-07F-14355 awarded to the Princeton Case Company under solicitation No. 7PRT-53155/23/7SB Groups I and II, for the supply of briefcases, dispatch cases and portfolios. Casecraft contends that the awardee has been unable to obtain the required approval of its pre-production samples of these items. We will not consider this protest.

Casecraft originally protested the award arguing that Princeton Case was not qualified to produce the items. Since the issue in the case concerned a matter of responsibility, we dismissed the protest because we do not review a contracting officer's affirmative determination of a prospective contractor's responsibility unless there has been a showing of possible fraud or bad faith by the agency's contracting personnel.

Casecraft asserts here that since Princeton Case has not succeeded in two attempts to obtain approval of its pre-production samples, GSA should terminate the contract for default rather than allow the contractor to submit additional samples for approval. Casecraft suggests that it could supply all of GSA's needs for the items.

We do not consider issues relating to the acceptance of a first article or the approval of a pre-production sample; they concern contract administration, a matter that is not within the purview of our bid protest function since administration of an existing contract is within the discretion of the contracting agency. 4 C.F.R. § 21.3(f)(1) (1986); Rubber Crafters, Inc., B-225421, Oct. 31, 1986, 86-2 CPD ¶ 508.

The protest is dismissed.


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