

145114 Spiegel



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Servisco Management Limited--Reconsideration
File: B-244539.2
Date: October 22, 1991

Paul D. Harris for the protester,
Robert A. Spiegel, Esq., and John Brosnan, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Dismissal of protest by a potential second-tier
subcontractor of a first-tier subcontractor's procurement is
affirmed since there is no evidence that second-tier
subcontractor is acting "by or for" the government in
conducting the procurement.

DECISION

Servisco Management Limited requests reconsideration of our
dismissal of its protest on July 23, 1991.

We affirm the dismissal.

Servisco originally protested the terms of request for
proposals (RFP) No. 1251-RHP-777, issued by General Dynamics
for coil winding machines to produce magnets. We dismissed
Servisco's protest because General Dynamics is a sub-
contractor to Universities Research Association, Inc. (URA),
the management and operating contractor of the Department of
Energy's Superconducting Super Collider Laboratory (SSCL)
and our Office generally does not review procurements by
such subcontractors.

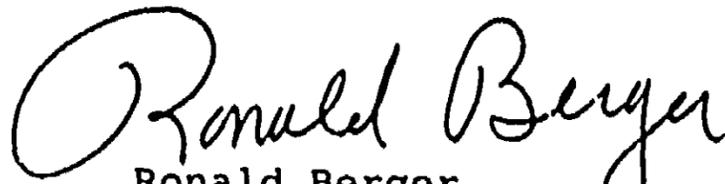
While Servisco concedes that General Dynamics is only a
subcontractor,¹ it nevertheless argues that SSCL exercises
oversight and control over General Dynamics and that there-
fore the General Dynamics procurement should be subject to
our bid protest jurisdiction.

¹ Under the contract, General Dynamics is to design and
deliver a quantity of magnets.

Our Office reviews awards made by, or solicitations that have been issued by, an agency of the federal government, or a prime contractor (such as URA) that is acting "by or for" a federal agency. Edison Chouest Offshore, Inc.; Polar Marine Partners, B-230121.2; B-230121.3, May 19, 1988, 88-1 CPD ¶ 477. General Dynamics is neither a federal agency nor a prime contractor. Generally, a subcontractor of a government prime contractor is not a purchasing agent for the government and therefore its procurements are not "by or for" the government. See Yard USA, Inc., B-232326, Sept. 1, 1988, 88-2 CPD ¶ 207.

Although the protester argues that SSCL has direct control over General Dynamics such that the company's procurement actions here should be viewed as by or for the government, it has provided no evidence of such control, and there is nothing in the record which so indicates. Therefore, we will not review the procurement conducted by General Dynamics.

The dismissal is affirmed.


Ronald Berger
Associate General Counsel