

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

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Decision

Matter of: Tri-Tec Company, Inc.
File: B-258274
Date: September 2, 1994

DECISION

Tri-Tec Company, Inc. protests the award of a subcontract by Metro Machine Corporation under its prime contract No. N00024-94-C-8502 with the Department of the Navy.

The General Accounting Office does not consider protests of subcontract awards except where the subcontract is awarded "by or for" the government. 4 C.F.R. § 21.3(m)(10) (1994). This limitation on our review is derived from the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 et seq. (1988 and Supp. V 1993), which limits our bid protest jurisdiction to protests concerning contracts issued by federal contracting agencies. In the context of subcontractor selections, we interpret the Act to authorize our Office to review subcontractor protests only where, as a result of the government's involvement in the award process or due to the contractual relationship between the prime contractor and the government, the subcontractor is in effect awarded on behalf of the government. Edison Chouset Offshore, Inc.; Polar Marine Partners, B-230121.2; B-230121.3, May 19, 1988, 88-1 CPD ¶ 477.

A subcontracting decision is not "by" the government simply because the government directs or controls the selection of a subcontractor; rather, the government must handle substantially all substantive aspects of the procurement. See Kerr-McGee Chemical Corp.--Recon., B-252979.2, Aug. 25, 1993, 93-2 CPD ¶ 120. The subcontract award here does not appear to meet this standard.

The protest is dismissed.


Ronald Berger
Associate General Counsel