



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

Decision

Matter Of: Navistar Marine Instrument Corporation-Reconsideration

File No.: B-258392.2

Date: February 2, 1995

DECISION

Navistar Marine Instrument Corporation requests reconsideration of our decision of October 6, 1994, in which we dismissed its protest of the award of a contract to Moeller Instrument Company by NASSCO, a prime contractor for the Department of the Navy, under request for quotation (RFQ) No. RQ005840. In that decision we found that this subcontract award was not "by or for the government," and therefore outside our jurisdiction.

Navistar, in its request for reconsideration, asserts that the Navy was significantly involved in the award and therefore we should consider the matter. However, we consider subcontractor selections to have been made "by" the government only in limited situations where the agency's involvement in the procurement was so pervasive that the prime contractor was no more than a mere conduit for the government. See St. Mary's Hosp. and Medical Center of San Francisco, CA, 70 Comp. Gen. 579 (1991), 91-1 CPD ¶ 597; University of Mich.: Indus. Training Sys. Corp., 66 Comp. Gen. 538 (1987), 87-1 CPD ¶ 643. That test is not satisfied simply because the government imposed specifications that had the effect of requiring the purchase of a specific item; 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. Navistar has not shown this here.

The request for reconsideration is denied.

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Associate General Counsel