

*M. Racker*



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** George A. Grant Construction, Inc.

**File:** B-261830

**Date:** June 30, 1995

## DECISION

George A. Grant Construction, Inc. protests the award of a contract by ICF Kaiser Hanford Company under solicitation No. KH-5491. George A. Grant contends that ICF Kaiser issued the solicitation on behalf of the Department of Energy (DOE). DOE, however, has advised our Office that ICF Kaiser is a subcontractor for Westinghouse Hanford Company, which is a management and operating contractor for DOE.

The bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988 and Supp. V 1993), authorize us to resolve bid protests concerning solicitations issued by federal contracting agencies. We have interpreted the Act to authorize our review of subcontract awards 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 subcontract is in effect awarded on behalf of the government. 4 C.F.R. § 21.3(m)(10); Edison Chouest Offshore, Inc.; Polar Marine Partners, B-230121.2; B-230121.3, May 19, 1988, 88-1 CPD ¶ 477. Pursuant to this interpretation, we have traditionally reviewed procurements by prime contractors operating and managing DOE facilities, measuring the propriety of their actions against the terms of their prime contracts, their own-agency approved procedures, and the "federal norm." See Maxwell Laboratories, Inc., B-253737, Oct. 19, 1993, 93-2 CPD ¶ 239; United Telephone Co. of the Northwest, B-246977, Apr. 20, 1992, 92-1 CPD ¶ 374, aff'd, Dept. of Energy-Recon. et al., B-246977.2 et al., July 14, 1992, 92-2 CPD ¶ 20.

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In this case, however, the award is being made by a subcontractor to the DOE management and operating contractor. Our review role does not encompass protests of such awards. Moreover, we no longer entertain protests of procurements conducted by DOE's management and operating prime contractors unless specifically requested to do so by DOE. See Geo-Centers, B-261716, June 29, 1995, 95-1 CPD ¶ \_\_\_\_.

  
Ronald Berger  
Associate General Counsel