



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Parke Mathematical Laboratories, Inc.

File: B-261719

Date: July 17, 1995

DECISION

Parke Mathematical Laboratories, Inc. protests the award of a contract to Solid State Scientific Corporation by the Department of the Air Force under solicitation No. F19628-95-R-0029, a small business set-aside. Parke alleges that since the owner of Solid State is a full-time employee of the Lincoln Laboratory, a Federally Funded Research and Development Center (FFRDC), Solid State is not eligible for award.

We dismiss the protest.

Federal Acquisition Regulation § 3.602 provides that an award shall not be knowingly made to "a Government employee or to a business concern or other organization owned or substantially owned by one or more Government employees."

FFRDCs are not considered "agents or instrumentalities of the United States." "Agents and instrumentalities of the United States" generally refers to parts of the federal government which are legally vested authorities to act on behalf of the United States or fulfill a statutory mission of the federal government. In contrast, FFRDCs perform limited duties as specified in the contracts, and are prohibited from performing duties of a policy, decision making, or managerial nature which are the responsibility of agency officials. See 71 Comp. Gen. 155 (1992).

Accordingly, the owner of the company awarded the contract cannot be considered a federal employee and therefore is not prohibited by the regulation from receiving a government contract.

The protest is dismissed.

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