



Comptroller General
of the United States

Washington, D.C. 20548

Jeanette Thomas
Signed by
Christine Melody

Decision

Matter of: Thorn Automated Systems, Inc.

File: B-260333.2; B-261780

Date: July 27, 1995

DECISION

Thorn Automated Systems, Inc. protests any approval by the Department of Justice, Federal Bureau of Prisons, of subcontractors proposed by P.J. Dick Construction Company, Inc. and Caddell Construction Company, Inc., the awardees under invitation for bids (IFB) Nos. X00-0222 and X00-0226, respectively. Thorn contends that the subcontractors chosen by each awardee cannot perform in accordance with the subcontractor qualifications criteria in the IFBs.

We dismiss the protests because our Office generally does not review the selection of subcontractors. Specifically, our Office does not review subcontract awards by government prime contractors except where the award is by or for the government. 4 C.F.R. § 21.3(m)(10).

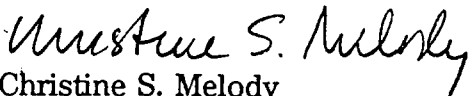
Thorn argues that the agency's involvement in the selection of the subcontractors here is so pervasive that the prime contractor would simply "be acting as the agent for the government." We have consistently held that simply because the government directs or controls the selection of a subcontractor does not establish that the award is by or for the government; 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; ToxCo, Inc., 68 Comp. Gen. 635 (1989), 89-2 CPD ¶ 170.

Nor does the fact that the agency prepared the specifications establish pervasive involvement—these specifications reflect the government's requirements that the prime contractor is responsible for meeting. Similarly, the fact that the agency may

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have drafted the evaluation criteria is not sufficient. See Perkin-Elmer Corp.-Metco Div., B-237076, Dec. 28, 1989, 89-2 CPD ¶ 604. Rather, it appears that the agency was essentially doing no more than exercising its approval rights under the contracts, a matter we do not review as pervasive involvement. See id.

The protests are dismissed.


Christine S. Melody
Acting Associate General Counsel