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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

81-1CPD366

FILE: B-202592

DATE: May 8, 1981

MATTER OF: Surgical Instrument Company of America

DIGEST:

Termination for late delivery of surgical instrument is matter of contract administration for resolution by contracting agency under disputes clause, ^{and} not GAO's Bid Protest Procedures.

The Veterans Administration (VA) issued a purchase order for surgical instruments to Surgical Instrument Company of America (Surgical) in the amount of \$4,596. The purchase order was received on October 3, 1980. Surgical quoted 60/90-day delivery date.

Surgical subsequently advised that delivery would be made on April 20, 1981. The VA at first acquiesced in the extended delivery date, but later terminated the contract for default. Surgical contends that the decision to delay the delivery date was a modification of existing contract terms and that the termination was improper.

The question whether a contract should be terminated for default is a matter of contract administration for consideration under the procedures set forth in the disputes clause of the contract and is not for resolution under our Bid Protest Procedures, which are reserved for considering whether an award, or proposed award, of a contract complies with statutory, regulatory and other legal requirements. Oklahoma Aerotronics, Inc., B-201026, November 18, 1980, 80-2 CPD 375.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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