

# DECISION



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

60257

FILE: B-184996

DATE: December 1, 1975

MATTER OF: The Clip Joint

97640

## DIGEST:

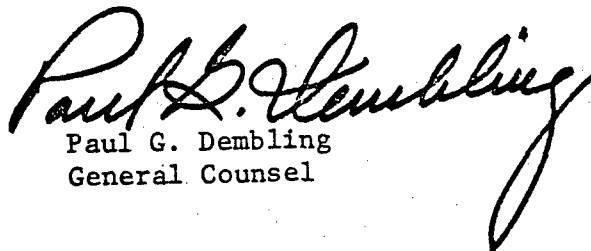
GAO may not render authoritative decision on protest of concession contract awarded on behalf of nonappropriated fund activity since bid protest jurisdiction is based on account settlement authority under 31 U.S.C. §§ 71 and 74 and General Accounting Act of 1974 provides GAO with audit but not settlement authority over nonappropriated fund activities. Therefore, protest will not be considered on merits but will be retained for audit consideration under authority of General Accounting Act of 1974.

John R. Plog, acting on behalf of The Clip Joint, protests the award of a contract to another bidder under Solicitation No. OV (74-56) 75-143, issued by the Procurement Division, Offutt Air Force Base, Nebraska.

We have been advised that this contract covers the granting of a barber shop concession on behalf of the exchange, a non-appropriated fund activity, and does not involve either the expenditure of appropriated funds or the receipt of funds allocable to an account of the United States. With regard to procurements conducted by or on behalf of nonappropriated fund activities, this Office has no authority to render authoritative decisions. ACS Construction Company, Inc., B-183034, April 18, 1975, 75-1 CPD 238. Our bid protest jurisdiction is based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers under 31 U.S.C. 71, 74 (1970). Wheelabrator Corp. v. Chafee, 455 F. 2d 1306, 1313 (D.C. Cir. 1971). Although recently this Office was empowered to review and audit the operations and funds of certain nonappropriated fund activities, see section 301 of the General Accounting Act of 1974, Public Law 93-604 approved January 2, 1975, such authority does not encompass the settlement of such accounts.

B-184996

Accordingly, the protest is dismissed. However, the protester's correspondence will be retained for consideration in audit pursuant to Public Law 93-604, § 301.

  
Paul G. Dembling  
General Counsel