

DECISION

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

FILE: B-187004

DATE: August 12, 1976

61332
98693

MATTER OF: Bowen Company, Inc.

DIGEST:

GAO is precluded from rendering decision on protest filed against procurement conducted on behalf of activity with use of nonappropriated funds since bid protest jurisdiction is based on account settlement authority under 31 U.S.C. §§ 71 and 74 (1970). Although General Accounting Office Act of 1974 provides GAO with audit authority over certain nonappropriated fund activities, it does not provide for requisite account settlement authority over nonappropriated fund activities.

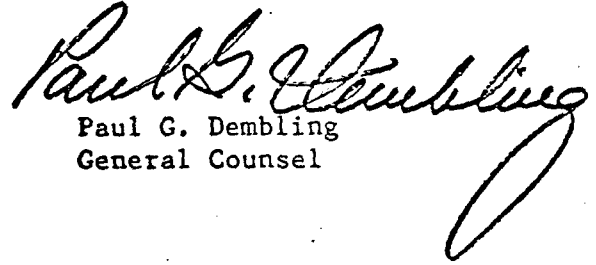
By letter dated July 17, 1976, the Bowen Company, Inc. (Bowen), protests award of a contract for a 32 lane bowling center, Fort Bliss, Texas. Bowen indicates that the procurement involves the expenditure of nonappropriated funds.

With regard to our consideration of protests involving the expenditure of nonappropriated funds, in ACS Construction Company, Inc., B-183034, April 18, 1975, 75-1 CPD 238, we stated our position as follows:

"* * * This Office is without authority to render * * * decisions with respect to procurements conducted by or on behalf of nonappropriated fund activities. B-181469, July 9, 1974; B-179854, October 29, 1973; B-178786, July 16, 1973; B-171417, December 17, 1970. Although recently this Office was authorized to review and audit the operations and funds of certain nonappropriated fund activities, see section 301 of the General Accounting Office Act of 1974, Public Law 93-604, approved January 2, 1975, 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); 46 Comp. Gen. 441 (1966); B-167782, January 21, 1970. Where we do not have such settlement authority, we have declined to consider protests * * *."

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Since we do not have settlement authority over nonappropriated fund activities, this Office is unable to render a decision on the instant protest.


Paul G. Dembling
General Counsel