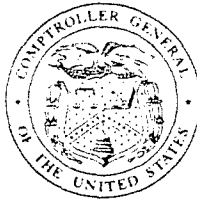


Proc I

DECISION



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

10,567

FILE: B-194384

DATE: June 25, 1979

MATTER OF: Marty's Floor Covering

DIGEST:

Protest of procurement by Clerk of House of Representatives is dismissed where contingent funds of House are used, since GAO settlement of accounts involving contingent fund is limited by 2 U.S.C. § 95 (1976), and GAO bid protest jurisdiction is based on authority to adjust and settle accounts under 31 U.S.C. §§ 71 and 74 (1976).

Marty's Floor Covering (Marty's) has protested the award to another bidder of contract No. 78-105 for carpet by the Clerk of the United States House of Representatives (House). Marty's contends that it submitted the low responsive bid.

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 (1976). See, e.g., Systems Research Laboratories, Inc.-Reconsideration, B-186842, May 5, 1978, 78-1 CPD 341.

We have been advised that the funds used for this procurement are from the contingent fund of the House. Our authority to settle accounts involving this contingent fund is limited by 2 U.S.C. § 95 (1976), which provides that:

"No payment shall be made from the contingent fund of the House of Representatives unless sanctioned by the Committee on House Administration of the House of Representatives. Payments made upon vouchers approved by said Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government: Provided, That no payment

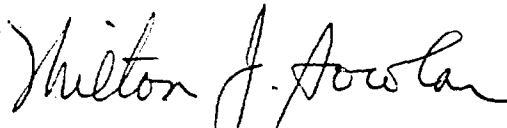
[Protest Against Contract Award]

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shall be made from said contingent fund as additional salary or compensation to any officer or employee of the House of Representatives."

In view of the conclusiveness of the certification language used in this statute, it is clear that our consideration of this protest would serve no useful purpose.

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel