

DECISION



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

[Request for Reconsideration]

FILE: B-200237.2

DATE: December 4, 1980

MATTER OF: Reflectone, Inc.

DIGEST:

Prior decision dismissing protest of sub-contract award is affirmed where evidence submitted in support of request for reconsideration -- a statement that agency, prior to approving subcontract, will examine prime contractor's methods for selecting subcontractor -- does not establish active agency participation in selection of subcontractor so as to invoke GAO bid protest jurisdiction.

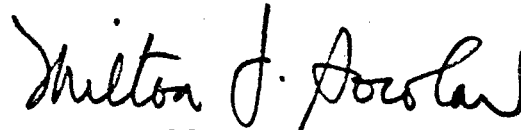
Reflectone, Inc. requests reconsideration of our decision B-200237, November 6, 1980, 80-2 CPD ____, a matter involving a subcontract award by IBM, a prime contractor to the Department of the Navy. We dismissed Reflectone's protest because it did not fall within any of the limited criteria under which GAO will consider subcontractor protests.

The request for reconsideration is based on additional evidence which we did not receive until after the decision had been signed. The additional evidence consists of an October 21, 1980 letter from the Commander of the Naval Air Systems Command to a Congressman, in which it is stated that the methods employed by IBM in selecting a subcontractor would be examined prior to Government approval of the subcontract award. We have consistently held that the Government's approval of a subcontract award is insufficient for invoking our bid protest jurisdiction; what is required is a showing that the Government in effect controlled the subcontractor selection or significantly limited subcontractor sources. Optimum Systems, Inc., 54 Comp. Gen. 767 (1975), 75-1 CPD 166. We do not believe a

statement that the Navy will examine IBM's methodology for selection of a subcontractor prior to exercise of its approval rights establishes that the Navy actively participated in the subcontractor selection process so as to bring the case within the Optimum Systems tests.

Reflectone has also requested a conference on the merits of its protest. However, in view of the fact that the protest is not for review by our Office, such a conference will serve no useful purpose and the request therefore is denied. Cacciamani Bros., B-194434, July 20, 1979, 79-2 CPD 45.

The prior decision is affirmed.



For the Comptroller General
of the United States