

DECISION



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

FILE: B-210846

DATE: March 14, 1983

MATTER OF: Conusstan Products, West Germany

DIGEST:

Award of a contract to supply oriental rugs to the Army and Air Force Exchange System which does not involve appropriated funds is not subject to GAO review.

Conusstan Products, West Germany (Conusstan), protests the award of an oriental rug concession contract to Turkas by the Department of the Army under solicitation No. AAFES-EUR-82-43-82-27. Conusstan challenges the responsibility of Turkas and alleges that there were numerous misrepresentations and irregularities in the conduct of the procurement and award in question.

We dismiss the protest.

This Office considers only protests of contract awards pursuant to its authority under Pub. L. No. 97-258, § 3526, 96 Stat. 964 (1982) (to be codified at 31 U.S.C. § 3526, formerly 31 U.S.C. §§ 71, 74 (1976)), to settle appropriated fund accounts of the Government. Consequently, we generally consider protests of contract awards which involve the expenditure of appropriated funds. Tenavision, Inc., B-208383, August 18, 1982, 82-2 CPD 153.

In this case, the procurement is for the Army and Air Force Exchange System, a nonappropriated fund activity. Since the award of this contract does not involve the direct expenditure of appropriated funds, our Office could not take legal exception to the award; therefore, no useful purpose would be served by our review.

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

024848