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**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: ATD-American Co.

File: B-240048

Date: July 18, 1990

Spencer Zaslow, for the protester.
Gregory H. Petkoff, Esq., Office of the General Counsel,
Department of the Air Force, for the agency.
David Hasfurther, Esq., and James Spangenberg, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DIGEST

General Accounting Office does not consider bid protests of procurements by nonappropriated fund instrumentalities.

DECISION

ATD-American Co. protests the rejection of its offer under Air Force Nonappropriated Fund Purchasing Office request for proposals (RFP) No. F41999-90-R-6021, for the purchase of various cloth/linen products for the Air Training Command Billeting Fund. ATD contends that it should have been awarded the contract and requests that we consider its protest on the merits.

The Air Force has advised that the Air Training Command Billeting Fund is a nonappropriated fund instrumentality and that the contract (see RFP Section I, Clause 4) awarded under the RFP will not obligate any appropriated funds of the government.

Our bid protest jurisdiction is limited to the procurements of federal agencies. 31 U.S.C. §§ 3551-3552 (1988); Kold-Draft Hawaii, Inc., B-222669, Apr. 4, 1986, 86-1 CPD ¶ 331. Nonappropriated fund activities (and their purchasing offices, as here) are not federal agencies. 4 C.F.R. § 21.3(m)(8) (1990). Accordingly, we cannot consider the protest.

The protest is dismissed.

Michael H. Isolden
Esq.

Ronald Berger
Associate General Counsel

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