

Ms Melody



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Apeiron, Inc.

File: B-262100

Date: July 26, 1995

DECISION

Apeiron, Inc. protests the award of a contract to TESA Measurement Systems under request for quotations No. BIC-NASA839892-2 by Brown International under its contract with the National Aeronautics and Space Administration.

We dismiss the protest because our Office generally does not review the selection of subcontractors.

Specifically, our Office does not review subcontract awards by government prime contractors except where the award is by or for the government. 4 C.F.R. § 21.3(m)(10). This limitation on our review is derived from the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 et seq. (1988), which limits our bid protest jurisdiction to protests concerning solicitations issued by federal contracting agencies. In the context of subcontractor selections, we interpret the Act to authorize our Office to review subcontractor protests only where, as a result of the government's involvement in the award process or due to the contractual relationship between the prime contractor and the government, the subcontract is in effect awarded on behalf of the government. Edison Chouest Offshore, Inc.; Polar Marine Partners, B-230121.2; B-230121.3, May 19, 1988, 88-1 CPD ¶ 477.

With respect to the subcontract award at issue here, there is no indication that the government played any part in the selection of the subcontractor. Accordingly, we find this subcontract award not to be "by or for the government," and outside our jurisdiction.

The protest is dismissed.

Christine S. Melody
Christine S. Melody
Acting Associate General Counsel

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