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DECISION



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

FILE: B-187191

DATE: October 13, 1976

MATTER OF: Ramtek Corporation

DIGEST:

Protest of award of subcontracts will not be considered on merits where it does not appear that Government personnel were involved in subcontractor selection or that purchase was "for" the Government or for other reasons set forth in Optimum Systems, Incorporated, 54 Comp. Gen. 767 (1975).

Ramtek Corporation (Ramtek) protests the award of two subcontracts by Singer Company, Simulation Products Division (Singer), under Navy contracts Nos. N00019-75-C-0215 and N61339-75-C-0112.

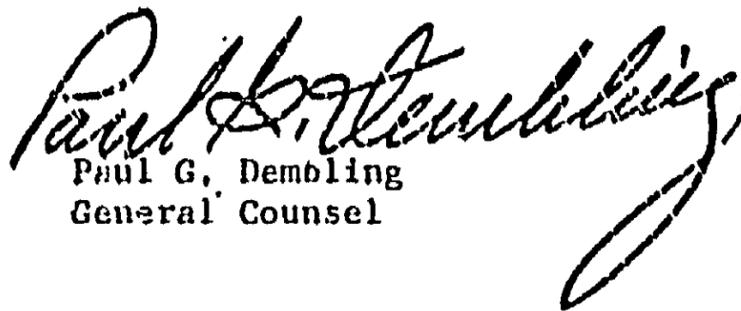
In Optimum Systems, Incorporated, 54 Comp. Gen. 767 (1975), 75-1 CPD 166, our Office held that we would only consider protests against the award of subcontracts by prime contractors in certain circumstances. Basically, these circumstances fall into five categories: first, where the prime contractor is acting as purchasing agent of the Government; second, in cases where the Government's active or direct participation in the selection of the subcontractor has the net effect of causing or controlling the rejection or selection of a potential subcontractor, or has significantly limited subcontract sources; third, where fraud or bad faith in Government approval of the subcontract award or proposed award is shown; fourth, where the subcontract award is "for" an agency of the Federal Government; and fifth, where the questions concerning the awards of subcontracts are submitted by officials of Federal agencies who are entitled to advance decisions from our Office.

By letter dated September 2, 1976, we furnished Ramtek a copy of Optimum Systems, Incorporated, and requested their views whether the protested subcontract awards fell within one of the five enumerated situations when we consider protests against subcontract awards. Ramtek responded with blanket allegations of (1) involvement of Navy personnel in the procurement process, (2) bad faith on the part of the contracting officer and (3) Singer acting as the Government's prime purchasing agent under one of the protested contracts. However, Ramtek offered no explanations or substantiation in support of its allegations.

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By letter dated September 27, 1976, the Navy advised that neither of the subcontracts was "for" the Government nor did the Government actively or directly participate in the selection of the successful subcontractors. The Navy reports that Singer acted as an independent contractor and has an "approved procurement system" (pursuant to Armed Services Procurement Regulation Section XXIII) which obviates the need for contracting officer review and consent to individual subcontract awards.

In light of this information, it appears that there is no basis for Ramtek's allegations. Accordingly, we are closing our file on the matter.


Paul G. Dembling
General Counsel