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*U. Siegelstein*  
PhCG.

**DECISION**



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

FILE: B-193511  
MATTER OF:

DATE: December 29, 1978

DLG 00493  
Challenge Equipment Corporation

**DIGEST:**

[Agency decision to approve item to be furnished under prime contract is matter of contract administration] which is responsibility of procuring activity and is not reviewed by GAO under Bid Protest Procedures. Fact that approval results in subcontract award does not convert matter into one reviewed by GAO since challenges to subcontract awards are considered only in circumstances not present here.

Challenge Equipment Corporation (Challenge) protests the approval by the General Services Administration (GSA) of certain dock pads to be furnished under contract No. GS-09B-C-90060-SF. Challenges asserts that the approved item does not meet specification requirements.

*acc 00017*

*DLG 00494*

The items approved by GSA are being furnished by Chalfant Sewing Fabricators, Inc. as a supplier to GSA's prime contractor. Challenge maintains that the Chalfant product is not equal to the brand name product specified in the prime contract, and that GSA improperly approved its use under the contract.

The question raised by the protester involves a matter of contract administration which is the function and responsibility of the contracting agency. Masoneilan Regulator Company, B-188980, February 24, 1978, 78-1 CPD 154. Matters of contract administration are not for resolution under our Bid Protest Procedures which are reserved for considering whether an award, or proposed award, of a contract complies with statutory, regulatory and other legal requirements. See Inter-Alloys Corporation, B-182890, February 4, 1975, 75-1 CPD 79.

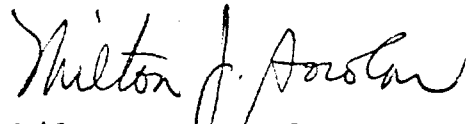
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On occasion, our Office will consider challenges to subcontract awards, provided the case comes within one of the limited circumstances set forth in Optimum Systems, Incorporated - Subcontract Protest, 54 Comp. Gen. 767 (1975), 75-1 CPD 166. Those circumstances include where the prime contractor is acting as purchasing agent of the Government; 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; where fraud or bad faith in Government approval of the subcontract award or proposed award is shown; where the subcontract award is "for" an agency of the Federal Government; and where the questions concerning the awards of subcontracts are submitted by officials of the Federal agencies who are entitled to advance decisions from our Office. However, the Government's mere approval of a subcontract award is not sufficient to come within the Optimum Systems exceptions.

Here, GSA, in essence, did no more than approve the acceptability of the proposed dock pads in accordance with its own specifications. This, as indicated above, is merely a matter of administration of the prime contract and does not come within any of the Optimum Systems exceptions. See Rantec Division of Emerson Electric Company, B-185250, December 15, 1975, 75-2 CPD 394.

The protest is dismissed.



Milton J. Socolar  
General Counsel