

240-1

DECISION



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

FILE: B-209983.2, et al.

DATE: March 28, 1983

MATTER OF: Columbia Surgical Manufacturing Corporation

DIGEST:

Where recent decision resolves only legal issue presented in protests, GAO summarily denies protests without requesting an agency report.

Columbia Surgical Manufacturing Corporation (Columbia) has filed six protests (docketed under B-209983.2, B-210053.2, B-210085.2, B-210255.2, B-210734.2, and B-210801) against Defense Logistics Agency (DLA) procurement procedures which authorize the procurement of foreign-manufactured, specialty metal-end products for use by the Department of Defense (DOD).

Our recent decision in A & P Surgical Company, Inc.; Columbia Surgical Instruments Co., Inc., B-206111.2, et al., March 16, 1983, 83-1 CPD, considered in detail the same arguments which Columbia now presents and held that we would not object to DOD's implementation of section 723 of the Department of Defense Appropriations Act, 1982, Public Law No. 97-114, approved December 29, 1981, 95 Stat. 1565 at 1582, because the DOD implementation, as set out in Defense Acquisition Regulation § 6-302 (Defense Acquisition Circular No. 76-25, October 31, 1980), is based on wording in the legislative history of the act and the implementation has stood unchallenged for 10 years.

In view of the above, we summarily deny the protests without requesting an agency report. See, Northern Illinois University, B-194055, March 15, 1979, 79-1 CPD 184.

Acting Comptroller General
of the United States

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