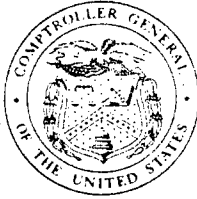


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DECISION



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

FILE: B-200511

DATE: March 30, 1981

MATTER OF: J. & F. Machine Works, Inc. -
Reconsideration

DLG 05244

DIGEST:

[Protest INVOLVING]

Whether contractor performs in compliance with contract requirements is matter of contract administration and not for consideration by GAO.]

J. & F. Machine Works, Inc. (J.&F.), protested previously the award of a contract to Diesel Energy Products, Inc. (Diesel), under solicitation No. DLA700-80-C-4449 issued by the Defense Logistics Agency (DLA). DLG

The prior protest, which contended that Diesel ^{AGCOO} did not intend to furnish parts manufactured by Worthington Compressors, Inc., as required by the solicitation, was dismissed because whether an awardee performs in accordance with the contract requirements is a matter of contract administration which is the responsibility of the contracting agency. J. & F. Machine Works, Inc., B-200511, October 16, 1980, 80-2 CPD 290.

J.&F. now advises our Office that it has ascertained that Diesel has never placed a purchase order with Worthington for the required parts and requests that our Office require DLA to rescind the contract with Diesel.

As noted in our prior decision, where the awardee takes no exception in its bid to the solicitation requirements, a valid contract results upon acceptance of the bid; whether the awardee complies with the contract requirements is for the procuring agency to determine and the remedy for noncompliance is a default determination. We note that J.&F. has advised the procuring agency of its allegation.

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