



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20541

40145

B-179854

October 29, 1973

G and C Enterprises, Inc.  
Post Office Box 67  
Bordentown, New Jersey 08505

Attention: Mr. William Gray  
President

Gentlemen:

This is in reply to your telefax message of October 11, 1973, protesting the award of a contract to another bidder under invitation for bids No. F28609-74-B-0013, issued at McGuire Air Force Base, New Jersey.

We have been informed by the Air Force that the procurement in question is completely funded with nonappropriated funds. This Office is currently precluded from considering matters involving nonappropriated fund activities, since the rules and procedures governing procurements by the military departments are derived from procurement statutes and regulations which apply only to purchases or services for which payments are to be made from appropriated funds, and since nonappropriated activities are not subject to audit by our Office. B-178736, July 13, 1973; B-171417, December 17, 1970. Accordingly, we cannot take any action on your protest.

However, in this connection we call your attention to title IX of S. 2049 introduced in the 93rd Congress to provide for authority for the Comptroller General to review nonappropriated funds activities. The companion bill in the House of Representatives is H.R. 9002.

Sincerely yours,

Paul G. Demblin

For the Comptroller General  
of the United States

[Protest of Air Force Contract Award]

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