



092034

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

B-180148

December 13, 1973

~~40270~~

Vinnell Corporation  
1145 Westminister Avenue  
Alhambra, California 91803

Attention: G. R. Owens  
Manager of Contracts

Gentlemen:

We refer to your telefax message dated November 26, 1973, protesting against award of contracts under proposals numbers 71470 and 2582-3/4, issued by the Government of American Samoa.

Resolution of your protest on its merits is not required since our Office is without jurisdiction to render an authoritative decision on the matter.

In our decision reported at 46 Comp. Gen. 586 (1966), we concluded that Samoa is an entity analogous to a State and, consequently, Samoa is not a Federal agency for purpose of the rule that where one Federal agency damages property of another Federal agency, funds available to the first may not be used to pay claims for damages by the second. Insofar as this holding relates to status, it is consistent with our prior acceptance of the view that the Government of American Samoa is not a Federal agency. B-131569, June 11, 1957.

The Government of American Samoa collects and expends revenues not wholly appropriated by the Congress, and the Department of the Interior is of the opinion that Samoa is not an integral organizational component of that Department.

In view of these circumstances and since, as stated below, federally appropriated funds are not involved in the procurement, we are of the opinion that the Government of American Samoa is not a Federal agency within the meaning of section 1-1.203 of the Federal Procurement Regulations (FPR). See, also, 40 U.S.C. 472 (a) and (b). Those regulations are therefore not applicable to procurements made by Samoa. See FPR sec. 1-1.004.

[Protest Against Contract Awarded by Government of American Samoa]

716332

B-180148

Moreover, we are informally advised by the Department of the Interior that the funding for this procurement was drawn from an account consisting of commingled Federal grant money and local revenues. Federal grant funds so commingled lose their character as public funds. B-137561; supra.; B-169707, August 31, 1970, copy enclosed. In short, no appropriated funds were involved in the procurement at hand.

Since your protest does not involve the expenditure of appropriated funds, the application of the policies and procedures prescribed by FPR, or 41 U.S.C. 253, providing advertising requirements for the Federal executive agencies, we must decline to consider your protest under our bid protest jurisdiction.

Sincerely yours,

Paul G. Dembling

For the Comptroller General  
of the United States