

DECISION



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

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FILE: B-185839

DATE: June 2, 1976

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MATTER OF: Bogue Electric Manufacturing Company

DIGEST:

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United States' purchase of domestic supplies on behalf of foreign government pursuant to section 22(a) of Foreign Military Sales Act will not involve spending of appropriated funds. Therefore, purchase is not subject to General Accounting Office's settlement authority and protest is dismissed.

Bogue Electric Manufacturing Company (Bogue) has protested what it alleges to be auction techniques used by the Defense General Supply Center (DGSC), Richmond, Virginia, under request for proposals (RFP) No. DSA400-76-R-0090.

By letter received in this Office on May 21, 1976, the United States Army Materiel Development and Readiness Command informed us that the transaction in this case will be a cash sale of defense articles pursuant to section 22(a) of the Foreign Military Sales Act, as amended, 22 U.S.C. 2762(a) (Supp. IV, 1975). In Tele-Dynamics, Division of AMBAC Industries, 55 Comp. Gen. 674, 76-1 CPD 60, we held that, because such transactions do not involve the expenditure of appropriated funds and are not subject to our settlement authority, this Office could not render authoritative decisions on such transactions. Section 20.1(a) of GAO's Bid Protest Procedures, 40 Fed. Reg. 17979 (1975).

Under the rationale of Tele-Dynamics, supra, we see no useful purpose in our considering the matter; therefore, the protest is dismissed.

Paul G. Dembling
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General Counsel