

5932

**DECISION**



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

**FILE: B-191442**

**DATE: April 5, 1978**

**MATTER OF: Vermont Marble Company**

**DIGEST:**

Protest alleging that agency is permitting contractor to provide different variety of marble than specified in contract is dismissed, since whether material provided complies with requirements of contract and whether to permit contract modification are matters of contract administration which is primarily function and responsibility of contracting agency and not for resolution under bid protest procedures.

Vermont Marble Company (VMC) has protested an alleged action by the General Services Administration (GSA) under a contract for construction of the Lister Hill National Biomedical Communications Center, Bethesda, Maryland. VMC alleges that GSA is permitting the contractor to substitute a type of marble different from the variety specified in the contract. VMC argues that the substituted marble is less expensive than the required variety and that this is unfair to other bidders.

Whether the material provided under a contract complies with the requirements of the contract is a matter of contract administration. Crowe Rope Company, B-187092, August 18, 1976, 76-2 CPD 174. Also, the decision of whether to permit or request contract modification is a matter of contract administration which is primarily the function and responsibility of the contracting agency. Kelly Services, B-182071, October 9, 1974, 74-2 CPD 197. Matters of contract administration are not ordinarily for resolution under our bid protest procedures which are reserved for considering whether an award of a contract complies with statutory, regulatory and other legal requirements. Mustang Industrial Cleaners, B-172531, March 5, 1976, 76-1 CPD 118. Cf. Brandon

B-191442

Applied Systems, Inc., B-188738, December 21, 1977,  
77-2 CPD 486.

Accordingly, the protest is dismissed.

*for* *Milton J. Aoulan*  
Paul G. Dembling  
General Counsel