

DECISION



700, 200, 1000

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20540**

8/8/8

FILE: B-193032

DATE: November 3, 1978

MATTER OF: Nicolet Technology Corporation

DIGEST:

GAO will not investigate or review protest challenging offeror's method of compliance with representation made in bid that product offered was domestic for purpose of Buy American Act.

Nicolet Technology Corporation (Nicolet) protests the award of a contract by the Department of Commerce to Brucker Instruments, Inc. (Brucker), under solicitation No. EO-A01-78-00-3604 for a nuclear magnetic resonance spectrometer.

The protester contends that the awardee is a foreign firm which will furnish a foreign made product even though it represented in its response to the solicitation that it would furnish a domestic source end product for purposes of the Buy American Act. Nicolet requests our Office to investigate and review Brucker's method of compliance with the obligation assumed by its Buy American certificate.

The determination of whether a contractor is complying with its obligation assumed by its Buy-American certificate is a matter of contract administration, which is for resolution by the contractor and the contracting activity rather than this Office. We have held that protests seeking an investigation of an offeror's intended method of compliance with its certification should not be considered by this Office, with certain exceptions not applicable here. See Thorson Tool Company, B-198271, March 1, 1977, 77-1 CPD 154, and cases cited therein.

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Accordingly, Nicolet's protest is dismissed.

for *Milton J. Rowland*
Paul G. Derbling
General Counsel