

DECISION



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

D. Sziget
Proc II
GAO 00046
8872

FILE: B-193658

DATE: January 17, 1979

MATTER OF: Logistical Support Inc.

DLG 80639

DIGEST:

1. Information submitted by protester in support of its allegation that Air Force personnel and incumbent contractor colluded in attempt to mislead other bidders as to amount of work required is insufficient for this Office to conclude that collusion existed. If protester has additional evidence of collusion it should be forwarded to the Department of Justice which has function of interpreting and enforcing federal criminal statutes.
2. Whether contractor will perform in accordance with contract specifications is a matter of contract administration and not for GAO consideration.

Logistical Support Inc. (Logistical) protests the award of a contract under invitation for bids (IFB) F0470078B0074 issued by the Procurement Division, Headquarters Air Force Flight Test Center, Edwards Air Force Base, California, for food service for the Airmen's Dining Hall.

DLG 00638

Logistical states that the "impression of collusion" between Air Force personnel and the incumbent contractor (and successful bidder under the current IFB) has been created by two circumstances. First, Logistical alleges that during a pre-bid site visit it observed that not all the serving lines listed in the IFB actually were being operated and that some of the incumbent's employees were idle and did not appear to know what their duties were. Second, Logistical notes that in the "Suggested Minimum Manning Standards" contained in the IFB, some of the hours have been inserted with a different type face. From this, Logistical concludes that the Air Force and the incumbent contractor colluded in an attempt to mislead all other bidders as to the amount of work to be done, so that the incumbent could underbid them.

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The Air Force has advised Logistical that it does need the manning requirements as specified. The acceptance of the awardee's bid has bound that firm to perform in accordance with the specifications. Whether the awardee will in fact perform in accordance with the contract specifications is a matter of contract administration and is not for consideration by our Office. Virginia-Maryland Associates, B-191252, March 28, 1978, 78-1 CPD 238; Crowe Rope Company, B-187092, August 18, 1976, 76-2 CPD 174.

Further, on the information Logistical has furnished this Office, we do not believe there is sufficient evidence for this Office to conclude that there was collusion between the Air Force and the awardee. That different type was used in the suggested minimum manning standards is immaterial since the Air Force states that the figures indicated therein are those required. If Logistical has further evidence of collusion, such evidence should be forwarded to the Department of Justice. This is so because the interpretation and enforcement of the criminal laws of the United States are the function of the Department of Justice, and it is not within our jurisdiction to determine what does or does not constitute a violation of a criminal statute. Society Brand Inc. et al., 55 Comp. Gen. 475 at 481 (1975), 75-2 CPD 327 at p. 8.

Accordingly, the protest is dismissed.



Milton J. Socolar
General Counsel