

DECISION



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

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B-207213, B-207256,
FILE: B-207256.2, B-207257, DATE: May 6, 1982
B-207295, B-207296
MATTER OF: Garrett Pneumatic Systems Division

DIGEST:

Post-award allegation that awardee's use of protester's part numbers, data, and drawings to secure award violated protester's proprietary rights is not a matter for consideration under GAO's bid protest function.

Garrett Pneumatic Systems Division of The Garrett Corporation protests six awards by the Department of the Air Force for various parts identified by Garrett part numbers. These awards, all of which Garrett says were made to a firm named Sierra Tech, were under solicitations identified by Garrett as follows:

Garrett Part Number

FD2030-82-49679	360294
F34601-82-55963	663956
F34601-82-33055	663956
FD2030-82-55713	3161689-1
FD2030-81-33055	357806
FD2030-81-33115	3500567

In each instance, Garrett says, Sierra Tech offered products bearing Garrett's part number and furnished supporting data and drawings that allegedly are Garrett's property. Garrett protests that Sierra Tech falsely represented to the Air Force that it has a legal right to use Garrett part numbers on Sierra Tech items, or the data and drawings relating to the parts. Garrett states that it had furnished manufacturing drawings to the Air Force bearing identical drawing numbers, contends that those drawings contained restrictive legends indicating that they were proprietary, and denies any knowledge as to how or where Sierra Tech obtained either the drawings or data on which its proposals were based.

We will not review the merits of the protests. A protest that a firm does not have the right to offer an item to which the protester claims to have proprietary rights

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essentially is a dispute between private parties, which we do not consider under our bid protest function. William Brill Associates, Inc., B-190967, August 7, 1978, 78-2 CPD 95; Bingham Ltd., B-189306, October 4, 1977, 77-2 CPD 263.

We recognize that Garrett's protests suggest that Sierra Tech may have gained access to Garrett's data and drawings improperly through the Air Force. However, where a firm contends that the Government has infringed proprietary rights, the aggrieved party's remedy is an action against the Government in the Court of Claims for damages, or administrative settlement of its claim. Bingham Ltd., supra.

Finally, we point out that even if it were proven that Sierra Tech falsely represented that it has the right to use Garrett's part numbers, data, and drawings, this fact would bear on its integrity and capability to perform the contract, that is, matters of responsibility which this Office will not consider except in circumstances that are not alleged here. See Worthington Pump Inc., B-192385, October 11, 1978, 78-2 CPD 267.

Garrett's protests are dismissed.

Harry R. Van Cleve
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Acting General Counsel