

DECISION

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

FILE: B-218971

DATE: June 20, 1985

MATTER OF: Data-Control Sytems

DIGEST:

1. Allegation of collusion between agency and low bidder is dismissed where no evidence is submitted to support allegation. However, if protester has specific information, it should be presented to the contracting officer for possible forwarding to the Department of Justice in accordance with Federal Acquisition Regulation.
2. Protester's allegation that low bidder's bid was improper under the latter's GSA contract is a matter of contract administration which GAO will not consider.

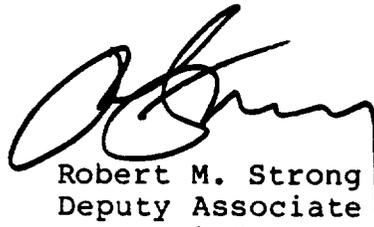
Data-Control Systems (DCS) protests the specifications of solicitation No. N00123-85-B-0655 (IFB) issued by the Naval Regional Contracting Center, Long Beach, California (Navy) for bit synchronizers. DCS also protests the submission of a bid by the low bidder, DECOM Systems, Inc. (DSI).

The protest is dismissed.

DCS contends that the IFB should have included the "Brand Name or Equal" provision of the Department of Defense supplement to the Federal Acquisition Regulation, DOD FAR Supplement § 52.210-7000 (1984). DCS suggests that as a result of collusion between DSI and the Navy, the provision was deliberately excluded from the solicitation in order to allow DSI to bid a price lower than the price of its bit synchronizer under its General Services Administration (GSA) contract. DCS also contends that DSI has violated the GSA contract provisions by bidding on this solicitation.

DCS has alleged collusion between DSI and the Navy, but has provided no evidence in support of the allegation and we therefore dismiss this aspect of the protest. However, if DCS has specific evidence of criminal conduct, it should be presented to the contracting officer for possible forwarding to the Department of Justice in accordance with Federal Acquisition Regulation § 3.303, 48 C.F.R. § 3.303(1984). See Larrabee Logging Co., B-217007, Dec. 13, 1984, 84-2 CPD ¶ 665.

DCS's allegation with regard to the propriety of DSI's violation of its GSA contract is a matter of contract administration which our Office will not consider. MKC Electronics Corp., B-216584, Oct. 22, 1984, 84-2 CPD ¶ 438.



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