

Spiegel



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: DWK Systems Group, Ltd.

File: B-229647

Date: December 10, 1987

DIGEST

1. Given that one of the objectives of its bid protest function is to insure full and open competition in government contracting, the GAO considers it inappropriate generally to review a protest which would mandate that a government agency procure a desired good or service from a sole source.

2. A protest of an alleged incorporation of proprietary information in a solicitation is considered premature where the request for proposals has not been issued at the time the protest was filed.

DECISION

DWK Systems Group, Ltd., protests a planned competitive solicitation of the United States Army Quartermaster's Corps. DWK previously submitted an unsolicited proposal which it asserts contains proprietary information that will be utilized in the forthcoming solicitation. DWK believes that it has earned the right to be the sole source for the subject procurement.

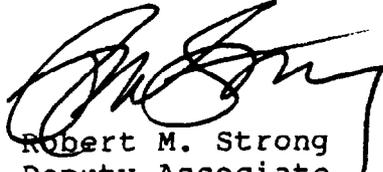
We dismiss the protest under 4 C.F.R. § 21.3(f) (1987) without obtaining an agency report on the matter.

Given that one of the objectives of our bid protest function is to insure full and open competition in government contracting, our Office considers it inappropriate generally to review a protest which would mandate that a government agency procure desired goods or services from a sole source. University of Dayton Research Inst., B-220589, Jan. 30, 1986, 86-1 C.P.D. ¶ 108. Accordingly, DWK's contention that it should be awarded a sole-source contract is dismissed.

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As noted above, the Army has not issued the solicitation which DWK contends will contain some of its misappropriated proprietary information. In view of the fact that the government has taken no action adverse to DWK at this time, this second basis for protest is dismissed as premature. If the Army issues the solicitation and DWK feels that it is prejudiced, then it may file a protest.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel