

Linda Lebowitz



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** MR Resources

**File:** B-242475

**Date:** February 14, 1991

Jonathan O. Webb for the protester.  
Donna M. Hardy, Department of Agriculture, for the agency.  
Linda S. Lebowitz, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

## DIGEST

The proper forum for consideration of allegations of restraint of trade and possible violations of the antitrust laws is the Department of Justice, not the General Accounting Office.

## DECISION

MR Resources protests the issuance of a small purchase order to Bruker Instruments, Inc. under request for quotations (RFQ) No. 101-1270-106-0003, issued by the Department of Agriculture for instrument maintenance services.

We dismiss the protest.

MR Resources complains that it was unable to submit a quotation under this RFQ because Bruker has refused to supply it with spare parts which would be necessary to fulfill the terms of a maintenance service agreement. Bruker previously supplied spare parts to MR Resources. MR Resources states that Bruker's refusal to supply it with any more spare parts is because MR Resources is "too much competition" for Bruker.

MR Resources alleges that Bruker unlawfully manipulated the competitive process in violation of the antitrust laws.

This matter essentially concerns a dispute between private parties which we will not adjudicate in the context of a bid protest. Fortune Serv. Co., B-238458, Feb. 15, 1990, 90-1 CPD ¶ 281. Allegations of restraint of trade and possible violations of antitrust laws are outside the scope of the bid protest process and should be referred to the Department of Justice, not our forum, since the interpretation and the

050616 / 143194

enforcement of such laws are functions of the Attorney General and the federal courts. See generally Federal Acquisition Regulation § 3.301; Incore, Inc., B-236997, Oct. 13, 1989, 89-2 CPD ¶ 354; Society Brand, Inc., et al., 55 Comp. Gen. 475 (1975), 75-2 CPD ¶ 327. From the correspondence, it appears that the protester is pursuing this course of action based on advice from the contracting agency.

The protest is dismissed.



Michael R. Golden  
Assistant General Counsel