



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** CyberNational, Inc.

**File:** B-265764

**Date:** October 6, 1995

### DECISION

CyberNational, Inc. protests the award of a contract to King Nutronics, Inc. under request for proposals (RFP) No. N00104-95-R-L174, issued by the Department of the Navy for pressure calibrators.

We dismiss the protest.

CyberNational raises a series of issues concerning various aspects of different procurements for the same calibrators over an 11-year period. These issues generally concern the pricing pattern of King Nutronics, possible violations of anti-trust laws and most-favored customer pricing requirements, and the alleged lack of diligence on the part of the agency in scrutinizing these procurements, which served to thwart competition. In support of its contentions, CyberNational offers a summary of the procurement history for these calibrators which indicates that King Nutronics sells its calibrators for a consistent price except when the protester competes under the procurement. In those instances, according to CyberNational, King Nutronics substantially lowers its price and submits a below-cost offer.<sup>1</sup>

Our Bid Protest Regulations require that a protest clearly state legally sufficient grounds of protest. 4 C.F.R. § 21.1(e) (1995). CyberNational's generalized allegations concerning alleged unfair competition do not state a valid basis for protest; there is no allegation of specific improper conduct by the agency that would provide a basis for legal objection to the procurement procedures followed. In this regard, we note that our Office does not conduct investigations for the purpose of establishing whether a protester may have a valid basis for protest. Swagger Communications, Inc., B-220000.2, Nov. 21, 1985, 85-2 CPD ¶ 585.

<sup>1</sup>CyberNational states that it is not explicitly or implicitly attacking the integrity of the contracting officers involved in these procurements or accusing the contracting officers of revealing CyberNational's prices.

CyberNational's contentions that its analysis of King Nutronics' pricing over an 11-year period suggests a lack of due diligence on the part of agency personnel and violations of most-favored customer pricing requirements are irrelevant to this procurement. Each procurement is a separate transaction and agency action under one procurement does not affect the propriety of the agency's action under another procurement for purposes of a bid protest. Digital Sys. Group, Inc., B-258262.2, Jan. 20, 1995, 95-1 CPD ¶ 30.

Similarly, CyberNational's contentions that King Nutronics has violated anti-trust laws by submitting below cost offers to prevent competition is not a valid basis for protest; a below-cost offer is not illegal, Hi-Shear Technology Corp., B-258814.2, May 17, 1995, 95-1 CPD ¶ 250, and our Office cannot consider allegations of anti-trust violations because such violations fall within the jurisdiction of the Department of Justice. See Randolph Eng'g, Inc., B-214785, Apr. 6, 1984, 84-1 CPD ¶ 391.

The protest is dismissed.

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