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DECISION



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

50552

FILE: B-181733

DATE: February 18, 1975

MATTER OF: Suburban Industrial Maintenance Co.

DIGEST:

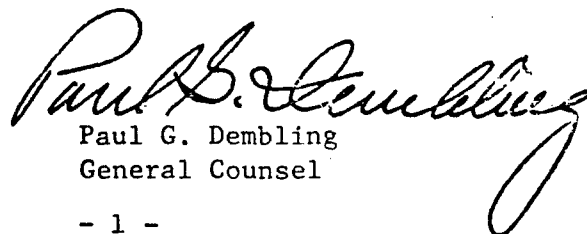
Where protest against award of contract to successful bidder is based on alleged collusive bidding between that bidder and another bidder, no further action will be taken with respect to protest since matter of collusive bidding was referred to Department of Justice by procuring activity in accordance with procurement regulations, and contract has been terminated for convenience of Government and contract requirements are being performed in-house.

By letter of July 3, 1974, Suburban Industrial Maintenance Co. (Suburban), protested against the award of contract No. DMA800-74-C-0178 to another firm by the Defense Mapping Agency Topographic Center.

The basis for Suburban's protest was that the successful bidder engaged in collusive bidding practices with another bidder in restraint of competition and, for this reason, the contract should be canceled and award made to Suburban as the next bidder in line for award.

In accordance with section 1-111 of the Armed Services Procurement Regulation (1974 ed.), the procuring activity referred the matter to the Department of Justice for appropriate action. We have not been officially advised of the course of action planned or taken by the Department of Justice. In addition, recently, we were advised by the procuring activity that the contract has been terminated for the convenience of the Government and the contract requirements are being performed in-house. By letter of January 17, 1975, Suburban contended that the termination should have been for default rather than convenience. However, Suburban subsequently decided not to pursue the matter any further.

In view of the circumstances, our Office will take no further action with respect to the protest.


Paul G. Dembling
General Counsel