

DECISION



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

FILE: B-208065

DATE: September 13, 1983

MATTER OF: Innocept, Inc.

DIGEST:

1. Complaint regarding the award of cooperative agreements will not be considered where complainant has not made some showing that contracts rather than cooperative agreements should have been used or that conflict of interest was involved.
2. GAO will not investigate complainant's bare allegations to assist complainant in establishing the truth of the allegations.

Innocept, Inc. complains of the award and pending award of cooperative agreements for the operation of Business Development Centers in various geographic areas (Project Nos. 06-10-82001-01, 06-10-82015-01, 06-10-82000-01, 06-10-82020-01, 06-10-82009-01, 06-10-82004-01, 06-10-82006-01, 06-10-82021-01, 06-10-82008-01, 06-10-82019-01) by the Minority Business Development Agency (MBDA), Department of Commerce. We dismiss the complaint.

Innocept contends that MBDA violated procedures established in the agency's grant administration manual by failing to objectively evaluate the firm's applications for these cooperative agreements and by accepting applications submitted after the final date for the receipt of applications. It further contends that MBDA violated the manual's requirement that all applicants be notified of award at the same time. Innocept also questions the ability of some of the awardees to perform the cooperative agreements and, as evidence, it points to negative reviews of the firms made by local government bodies. Finally, Innocept asserts that its allegations "could indicate misconduct or possibly even fraud" and requests that this Office look into the matter.

We generally do not review complaints concerning the award of grants or cooperative agreements, unless

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there is some showing that the agency is using a grant or cooperative agreement where a contract is required, or that a conflict of interest existed. Innocept, Inc., B-209781, December 2, 1982, 82-2 CPD 500, affirmed on reconsideration, B-209781.2, March 28, 1983, 83-1 CPD 315; Renewable Energy, Inc., B-203149, June 5, 1981, 81-1 CPD 451. We limit our review thusly because the award of grants and cooperative agreements is not significantly controlled by statutes and regulations having the force and effect of law as is the award of procurement contracts, and our involvement therefore would result in interference with the administration by Executive Branch agencies of their financial assistance programs. See Innocept, Inc.--Reconsideration, supra.

Here, Innocept has not made the requisite showing to warrant our detailed review of these awards. That MBDA may not have evaluated applications consistently or followed its own internal guidelines for processing applications does not provide a basis for our legal review. The allegations of misconduct and possible fraud are just that--bare allegations unsupported by a reasonable showing that the allegations might be true. Although Innocept requests us to investigate further to establish what it suspects, we do not conduct investigations to help a protester/complainant establish the truth of the allegations raised. Hispano American Corporation--Reconsideration, B-200268.2, July 1, 1981, 81-2 CPD 1. We note that Innocept requested such an investigation from the Department of Commerce Inspector General, and that the Inspector General's office did inform Innocept that it would "look into this situation."

Under the circumstances, we dismiss the complaint.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel