

DECISION

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

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FILE: B-213436

DATE: November 4, 1983

MATTER OF: Danville Corp.

DIGEST:

Allegation of anti-trust violations is for consideration by the Attorney General, not GAO.

Danville Corp. protests the award of a contract to Greer Industries under solicitation No. FD2020-83-32662, a small business set-aside, issued by the Department of the Air Force for aircraft modification kits.

According to Danville, it contacted Monogram Industries to obtain a quote for blind bolts, a component necessary to assemble the aircraft modification kits, and was told to contact Monogram's area representative for assistance in preparing its bid. Danville then contacted Monogram's representative and the representative gave it a price list for the bolts. The protester states that this same representative subsequently submitted an "unsolicited bid" for this contract on behalf of his own small business, Greer Industries, at a price allegedly less than he had offered Danville on behalf of Monogram. Danville alleges that Monogram provided Greer with a lower than normally charged price for the bolts in order to ensure that Greer received this contract and thus Monogram violated the Robinson-Patman Act, 15 U.S.C. § 13 (1982), which prohibits the selling of goods at prices below those normally charged for the purpose of restricting competition.

The Robinson-Patman Act, however, is not applicable to government contracts. Barrier Industries, Inc., B-210050, January 6, 1983, 83-1 CPD 11. In any event, consideration of alleged anti-trust violations is for the Attorney General, not our Office. B.H. Aircraft Company, Inc., B-210798, April 1, 1983, 83-1 CPD 344.

The protest is dismissed.

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

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