

DECISION

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

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FILE COPY

FILE: B-213830**DATE:** January 23, 1984**MATTER OF:** Genasys Corporation**DIGEST:**

Protest alleging that personnel who formerly worked for the protester improperly used proprietary material to prepare awardee's bid is a dispute between private parties which GAO will not consider and does not constitute violation of Certificate of Independent Price Determination.

Genasys Corporation (Genasys) protests any award to Computer Information Systems, Inc. (CISI), under request for proposals (RFP) No. 83-18, issued by the Small Business Administration because allegedly CISI fraudulently violated the RFP's Certificate of Independent Price Determination. We dismiss the protest.

Genasys advises that several former employees who were responsible for preparing its proposal currently work for CISI and that these employees used Genasys' price in an anticompetitive practice by helping set the CISI price.

The purpose of the certification is to assure that bidders do not collude to set prices or restrict competition by inducing others not to bid. We have held that the transfer of an employee from one bidder to another will not constitute a violation of the certification absent collusion between bidders or an indication that a firm was prevented from bidding. Kepner Plastics Fabricators, Inc.; Harding Pollution Controls Corporation, B-184451; B-184344, June 1, 1976, 76-1 CPD 351.

Moreover, to the extent that the protest concerns an allegation that former Genasys' personnel improperly used Genasys' technical proposal in preparing CISI's proposal, this is essentially a dispute between private parties which cannot be adjudicated by this Office. See Hooper Goode, Inc., B-209830, March 30, 1983, 83-1 CPD 329.

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Accordingly, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel