



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Radio TV Reports, Inc.
File: B-224173
Date: September 24, 1986

DIGEST

Allegation that bidder's former employee obtained unfair competitive advantage in preparing bid for new company founded by that employee involves a dispute between private parties which does not provide a basis for protest to GAO.

DECISION

Radio TV Reports, Inc. (RTVR) protests the award of a contract to Transmedia under invitation for bids (IFB) No. MDA903-86-B-0007 issued by the Defense Supply Service (DSS), for news broadcast summary services. RTVR asserts that Transmedia, the low bidder, was founded by a former RTVR employee who was familiar with RTVR's bid under this IFB.

We dismiss the protest.

RTVR concedes that DSS has not engaged in any conduct which is arbitrary, unreasonable, or in violation of any procurement regulation. Rather, RTVR asserts that it believes that DSS was unaware of unethical conduct on the part of the former RTVR employee, which RTVR believes compromised the procurement by providing Transmedia with an improper competitive advantage. This issue is beyond the scope of our bid protest function. This kind of allegation concerning the actions during the competitive process of a former employee of a competitor bidder involves a dispute between private parties concerning business practices and relationships for resolution by the involved private parties through the courts, if necessary. Since the allegation does not affect the propriety of the procurement it is not for resolution by our Office. Washington State Commission for Vocational Education--Reconsideration, 64 Comp. Gen. 681 (1985), 85-2 C.P.D. ¶ 59; Information Systems & Networks Corp., B-218642, July 3, 1985, 85-2 C.P.D. ¶ 25.

RTVR has requested a conference on this protest as provided for in our Bid Protest Regulations, 4 C.F.R. § 21.5 (1986). However, where, as here, the merits of a protest are not for consideration, no useful purpose would be served by holding a conference. B-K Manufacturing Co., B-218832, June 6, 1985, 85-1 C.P.D. ¶ 650; 4 C.F.R. § 21.3(f) (1986).

The protest is dismissed.

James W. Walker
for

Robert M. Strong
Deputy Associate General Counsel