



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

Matter of: Radio TV Reports, Inc.--Request for Reconsideration

File: B-224173.2

Date: October 7, 1986

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### DIGEST

Request for reconsideration of decision dismissing protest as dispute between private parties is denied where protester does not show any error of fact or law which warrants reversal of that decision and consideration on the merits.

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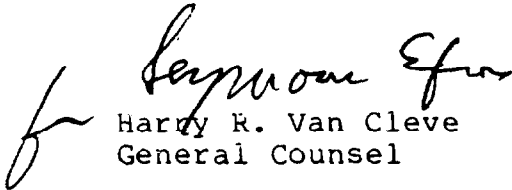
### DECISION

Radio TV Reports, Inc. (RTVR), requests reconsideration of our decision Radio TV Reports, Inc., B-244173, Sept. 24, 1986, 86-2 C.P.D. ¶ \_\_\_\_\_. In that decision we dismissed, as a dispute between private parties, RTVR's protest that Transmedia, the awardee under the procurement in issue, had gained an unfair competitive advantage because it was founded by a former RTVR employee who had knowledge of RTVR's bid. The request for reconsideration is denied.

RTVR asserts that our prior decision failed to consider that the employee in question was a "present" employee of RTVR, not a "former" employee, at the time that he was forming Transmedia, and also helping prepare RTVR's bid under the solicitation. Our decision referred to the employee as "former" because that was his status at the time that the protest was filed. Moreover, it is immaterial whether the employee was "formerly" employed by the protester at the time the bid was prepared, or was "presently" employed at that time. As explained in the decision, our Office will not consider the matter on the merits because it concerns a dispute between private parties concerning business practices and relationships. As RTVR itself stated in its protest, the procuring agency has not engaged in any conduct which is arbitrary, unreasonable, or in violation of any procurement regulation. Therefore, the protest does not relate to the propriety of the procurement by the agency and, therefore, it is not for resolution by our Office. In this respect, the fact that the decisions which we cited concerned negotiated procurements while the instant protest concerns a sealed bid procurement is of no consequence.

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RTVR now asserts that GAO's role should be to police this allegedly unethical business practice engaged in by the employee during the preparation of the bids. However, our bid protest function does not encompass the investigation of alleged criminal conduct; rather, if RTVR believes that it has evidence of criminal conduct, it may ask the Attorney General to review the matter. Data-Control System, B-218971, June 20, 1985, 85-1 C.P.D. ¶ 705.

  
Harry R. Van Cleve  
General Counsel