Decision

Matter of: Kempter-Rossman International

File: B-232402.2

Date: March 1, 1989

DIGEST

The General Accounting Office will not consider a matter
that is essentially a dispute between private parties.
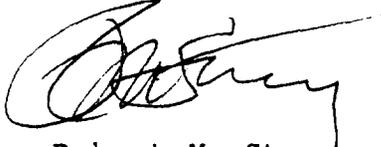

DECISION

Kempter-Rossman International protests the award of a
contract to Arthur Beard Engineers, Inc., under request for
proposals (RFP) No. DTFH61-88-R-00131, issued by the Federal
Highway Administration for value engineering workshops.
Kempter-Rossman asserts that one of its partners secretly
collaborated with Arthur Beard in submitting a proposal.
According to Kempter-Rossman, the contract award is tainted
by misconduct because its partner offered his services in
competition with Kempter-Rossman at the same time he was
offering his services through Kempter-Rossman.

We will not consider the protest.

As we have previously held, such a matter essentially
concerns a dispute between private parties which this Office
will not adjudicate in the context of a bid protest.
Meldick Services Inc., B-231072, May 3, 1988, 88-1 CPD
¶ 433. Moreover, to the extent that the Kempter-Rossman
partner's conduct impacts Arthur Beard's eligibility for
award, it involves Arthur Beard's responsibility as a
prospective contractor. Federal Acquisition Regulation
§ 9.104-1. The decision as to whether a firm is responsible
is within the discretion of the contracting officer, and our
Office will not review an affirmative determination in that
regard except in limited circumstances not applicable here.
4 C.F.R. § 21.3(m)(5) (1988); Urban Indian Council, Inc.,
B-225955.2, May 12, 1987, 87-1 CPD ¶ 500.

Accordingly, the protest is dismissed and there is no basis
for reimbursement of Kempter-Rossman's claimed proposal
preparation or protest costs. 4 C.F.R. §§ 21.3(m) and
21.6(d) (1988).

Robert M. Strong
Associate General Counsel