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Nordell

DECISION



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

FILE: B-203855

DATE: July 17, 1981

MATTER OF: Niedermeyer-Martin Co.

DIGEST:

1. Where identical issue was raised by complainant in prior case, and decided adversely to complainant by GAO, and no new information has been submitted, issue is without merit.
2. Complainant merely alleges conflict of interest without evidence or explanation. In any event, record does not show alleged conflict of interest.

Niedermeyer-Martin Co. (Niedermeyer) complains of the elimination of Douglas Fir poles from consideration under a procurement by the Bangladesh Rural Electrification Board (Board) financed by the Agency for International Development (AID) (Project No. 388-0021).

This is the third tender for poles under the project. Niedermeyer in the prior two tenders bid Douglas Fir poles, one of its principal products, and was disqualified each time.

On November 1, 1979, we decided the same issue raised here. See Niedermeyer-Martin Co., 59 Comp. Gen. 73, 79-2 CPD 314. In that decision, we held that the "solicitation's specifications (species of trees, type of preservative and retention rate) reasonably excluded the Douglas Fir and represent[ed] the Board's minimum needs." Accordingly, since Niedermeyer does not submit any information which we did not consider in deciding the above case, we find that this issue is without merit.

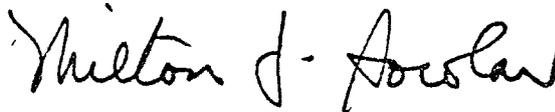
Niedermeyer also alleges that a conflict of interest exists concerning the drafting of the specifications. More specifically, Niedermeyer advises that the specifications "were written mostly by

[Protest Alleging Conflict of Interest in Drafting of Solicitation Specifications]
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Mr. James A. Taylor, Timber Products Specialist, U.S. Department of Agriculture, Rural Electrification Administration (REA)." Apparently, the specifications were drafted while Mr. Taylor was on leave from REA and employed by Commonwealth Associates, Inc., an engineering and consulting firm which assisted the Board. Niedermeyer contends that since AID and REA spent time and effort to justify the omission of the Douglas Fir and the specification concerned with treatment of the poles which was Mr. Taylor's work product while on leave, this constitutes a conflict of interest.

However, Niedermeyer fails to explain how this situation results in a conflict of interest. Based on the record before us, we fail to see any conflict of interest.

Complaint denied.

A handwritten signature in cursive script that reads "Milton J. Fowler".

Acting Comptroller General
of the United States