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**DECISION**



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

FILE: B-206080.2

DATE: March 15, 1982

MATTER OF: Aarid Van Lines, Inc.--Reconsideration

**DIGEST:**

Prior decision dismissing protest is affirmed where protester has failed to establish decision was based on error in fact or law.

Aarid Van Lines, Inc. (Aarid), requests that we reconsider our decision in Aarid Van Lines, Inc., B-206080, February 4, 1982, 82-1 CPD. In that decision we dismissed Aarid's protest of the award by the Department of the Army of a contract for transportation services to Vanguard Moving & Storage, Inc. (Vanguard). Aarid pointed out that Vanguard and Guardian Moving & Storage (Guardian), another bidder for the contract, although distinct corporate entities, have the same business address and share common officers and directors. Aarid suggested this information was evidence that the firms falsely certified in their bids that their bid prices were arrived at independently.

We stated that the purpose of a certification of independent pricing is to assure that bidders do not collude to set prices or to restrict competition by inducing others not to bid, which would constitute a criminal offense. See Columbus Marble Works, Inc., B-193754, August 21, 1979, 79-2 CPD 138. Under prior decisions, we have held that evidence that two bidders have the same business address and common officers and directors does not establish necessarily that they have conspired in either respect. See 51 Comp. Gen. 403, 405 (1972); Northwest Janitorial Service, B-203258, May 28, 1981, 81-1 CPD 420; Grimaldi Plumbing & Heating Co., Inc., B-183642, May 20, 1975, 75-1 CPD 307.

We also pointed out that it was within the jurisdiction of the Attorney General and the Federal courts to determine what constitutes a violation of a criminal statute, not the General Accounting Office. See Industrial Design Laboratories, Inc., B-190031, May 19, 1978,

78-1 CPD 385. We further noted that Defense Acquisition Regulation §§ 1-111.2 and 1-115(f) (1976 ed.) required that where a certification of independent price determination is suspected of being false or there otherwise is an indication of collusion, the matter be referred to the Attorney General by the procuring agency. The record indicated that Aarid protested the certification issue to the Army, that the Army investigated the matter, and denied Aarid's protest. Finally, we stated that nothing prevented Aarid from asking the Attorney General to review the matter. See Columbus Marble Works, Inc., supra; Industrial Design Laboratories, Inc., supra.

Aarid states that the bids submitted by Vanguard and Guardian contained identical prices for 16 items and this fact, in addition to the shared address, common officers and directors is sufficient evidence of collusion and of a false certification of the independent price determination clause to justify rejection of the two bids. Aarid asks that we check the bid signatures to determine if the same person signed each bid and whether or not the bids were typed on the same typewriter. Aarid requests that the bids of the two companies be investigated, and if, after our investigation, the circumstances warrant, the results be forwarded to the Justice Department.

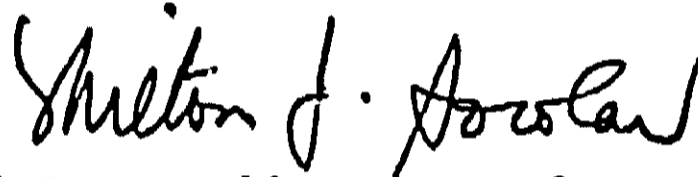
Initially, we point out that this Office decides matters on the written record only, and does not conduct investigations under our Bid Protest Procedures. Kisco Company, Inc., B-200831.2, February 26, 1981, 81-1 CPD 149.

It also should be noted that the original protest submission included a copy of a bid abstract and, therefore, we were cognizant of the fact that Vanguard and Guardian submitted 16 identical item bid prices with different prompt-payment discount terms.

However, under our decisions, the allegation that two bidders may have jointly prepared and submitted two bids does not constitute collusive bidding or overcome the certification of independent price determination in their bids where there is no evidence of an attempt by these bidders to eliminate competition from other companies. Columbus Marble Works, Inc., B-193754, August 21, 1979, 79-2 CPD 138. Informatix Incorporated, B-181642, February 28, 1975, 75-1 CPD 121. Multiple

bids by a single interest which is tantamount to what is alleged by Aarid, need not be rejected as long as the bidding was not prejudicial to the United States or to other bidders. 52 Comp. Gen. 886, 898 (1973). We have recognized that there may be legitimate business reasons for multiple bidding. The fact that the two bidder's prices were identical on 10 bid items, except for discount terms, does not necessarily indicate an intent to limit competition or prejudice Aarid's ability to bid.

Since Aarid has not established that our prior decision was based on an error in fact or law, our decision is affirmed. Mission Hardwood Company - Reconsideration, B-205210.2, December 15, 1981, 81-2 CPD 477.

*for*   
Comptroller General  
of the United States