



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Wagster Contracting

File: B-229060

Date: September 17, 1987

DIGEST

General Accounting Office will not consider an allegation of collusive bidding. An allegation of collusive bidding raises a matter for determination by the contracting officer in the context of responsibility of the bidder. If the contracting officer suspects collusive bidding, he should refer the matter to the Attorney General.

DECISION

Wagster Contracting protests that the three bidders lower than itself may have engaged in collusive bidding in response to solicitation number DACW 63-87-B-0109 issued by the U.S. Army Engineer District, Corps of Engineers, Fort Worth District, Texas, for a multi-year contract to provide services for public campgrounds located at Lake Somerville, Texas. Wagster contends that bid collusion occurred because Rocky Creek Construction and Davis Enterprises, both bidders, are owned and managed by Charles E. Davis. Wagster contends that bid collusion is shown by the fact that Rocky Creek Construction's bid was submitted by Donna Gale Jones, Mr. Davis' wife, and Davis Enterprise's bid was submitted under Mr. Davis' name. Wagster also alleges that bid collusion may have occurred with Wayne Schavoda's and Rocky Creek Construction's bids because, according to Wagster, the difference between the bids is small enough to consider them identical.

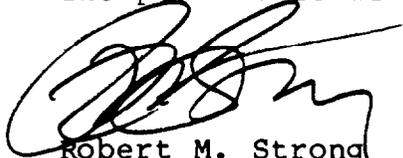
We will not consider the protest.

An allegation of bid collusion raises a matter for determination by the contracting officer in the context of responsibility of the bidder. Connelly Containers, Inc., B-227539, July 14, 1987, 87-2 CPD ¶ 44. Collusive bidding is a criminal offense and, if the contracting officer suspects it has occurred, the matter should be referred to

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the Attorney General. Federal Acquisition Regulation, 48 C.F.R. § 3.303(a) (1986); B-K Manufacturing Company, B-218832, June 6, 1985, 85-1 CPD ¶ 650. In addition, there is nothing that would prevent the protester from asking the Attorney General to review the matter. Connelly Containers, Inc., B-227539, supra.

The protest is dismissed.



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General Counsel