



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: King-Fisher Company

File: B-228316; B-228309

Date: October 13, 1987

DIGEST

General Accounting Office will not consider an allegation of collusive bidding. Such an allegation is, in the first instance, a matter to be considered by the contracting officer in the context of a responsibility determination. Should collusive bidding be suspected, the matter should be referred to the Department of Justice, since it constitutes a criminal offense.

DECISION

King-Fisher Company protests the award of contracts to Monaco Enterprises to upgrade fire alarm systems under U.S. Army solicitation No. DACA01-87-B-0094 and U.S. Air Force solicitation No. F11623-87-B-0035.

We will not consider the protest.

King-Fisher asserts that J&R is an affiliate of Monaco Enterprises, and that both firms acted contrary to the solicitations' Certificate of Independent Price Determination, the purpose of which is to prevent collusive bidding. King-Fisher alleges that a bid submitted by J&R Inc. was signed by the relative of a long-time employee of Monaco; that J&R and the long-time employee of Monaco both have addresses in Alexandria, Virginia; and that the bid bond submitted with J&R's bid was issued by a surety located in Spokane, Washington, which is the location of Monaco's headquarters.

Collusive bidding occurs when: (1) the bidder has, for the purpose of restricting competition, consulted, communicated, or agreed with any other bidder or competitor relating to (i) prices in the bid, (ii) intention to submit a bid, or (iii) methods or factors used to calculate the prices in the bid; (2) the prices in the bid have been or will be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening or a contract award; or (3) an attempt has been or will be made by the bidder to induce any other concern to submit or not

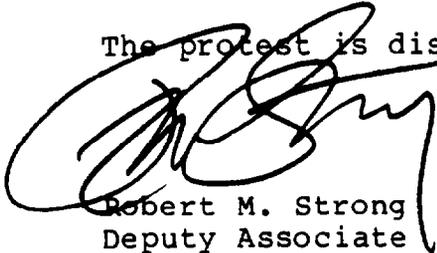
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by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition. See Federal Acquisition Regulation, 48 C.F.R. § 52.203-2 (1986). King-Fisher has not shown that Monaco or J&R participated in any of the above activities.

In our view, the circumstances related by the protester are not evidence that is sufficient to show collusive bidding between Monaco and J&R.

Even if evidence of collusive bidding had been shown it would be dismissed on the ground that allegations of collusion do not fall under our bid protest function, but, in the first instance, are matters for determination by the contracting officer in the context of a responsibility determination. See Woodson Construction Co., Inc.-- Reconsideration, B-221530.2. May 23, 1986, 86-1 CPD ¶ 483. Moreover, since collusive bidding is a criminal offense, the contracting officer, if he suspects that the challenged bidders have colluded, should refer the matter to the Attorney General. Connelly Containers, Inc., B-227539, July 14, 1987, 87-2 CPD ¶ 44.

The protest is dismissed.



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