



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Acme Products, Inc.

File: B-231846

Date: July 13, 1988

DIGEST

Protest that low bidder engaged in collusive bidding is dismissed because the issue is for resolution first by the contracting officer in the context of a responsibility determination and then, if collusion is suspected, by the Attorney General in a criminal investigation.

DECISION

Acme Products, Inc., protests the award of a contract for letter and numerical sets to Manuel Rodriguez Machine Shop (Rodriguez) under General Services Administration (GSA) solicitation No. 7FXG-V4-88-9902-R. Acme contends that the award to Rodriguez is improper because Rodriguez engaged in collusive bidding with another firm and thus violated the solicitation's Certificate of Independent Price Determination.

We will not consider the protest.

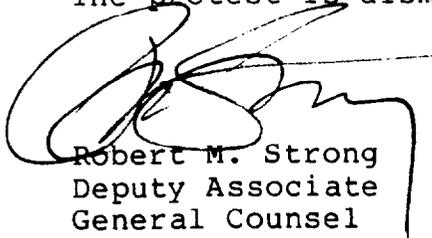
The Certificate of Independent Price Determination sets forth a statement that the bidder has arrived at its price independently, has not disclosed its price to other competitors before bid opening, and has not attempted to induce another concern either to submit or not to submit a bid for the purpose of restricting competition. Federal Acquisition Regulation § 52.203.2 (FAC 84-5). The purpose of the Certificate is to prevent collusive bidding. Connelly Containers, Inc., B-227539, July 14, 1987, 87-2 CPD ¶ 44.

An allegation of collusive bidding raises, in the first instance, a matter to be considered by the contracting officer in the context of a responsibility determination. Connelly Containers, Inc., B-227539, *supra*. Moreover, since collusive bidding is a criminal offense, if the contracting

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officer suspects that there is collusion he should refer the matter to the Attorney General. Id. We also note that we know of nothing that would prevent Acme itself from asking the Attorney General to review the matter.

The protest is dismissed.



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