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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Conva-Lance, Inc.

File: B-244578

Date: July 5, 1991

Jay M. Brodey, Esq., Harrison & Moberly, for the protester. Edwin Rodriguez, and John W. Van Schaik, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

A bidder's failure to submit affiliation information as required by the Federal Acquisition Regulation § 52.214-7 is a minor informality which may be waived or cured after bid opening because the information does not affect the responsiveness of the bid. Although the protester suggests that the absence of affiliation information may indicate illegal collusive bidding, that issue is a matter for consideration by the contracting officer in the context of determining the bidder's responsibility and by the Department of Justice.

DECISION

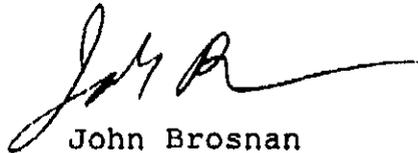
Conva-Lance, Inc. protests the award of a contract to the low bidder, Preferred Medical Transportation, Inc. under solicitation No. 583-01-92, issued by the Richard L. Roudebush Veterans Administration Medical Center. According to the protester, the solicitation included the clause set forth at Federal Acquisition Regulation (FAR) § 52.214-17 which required each bidder to submit with its bid an affidavit identifying its affiliates. The protester argues that Preferred's bid is "illegal" because the firm failed to reveal information concerning an alleged affiliated firm which also submitted a bid.

We dismiss the protest.

Preferred's failure to provide affiliation information is not a basis to reject its bid as nonresponsive. The failure of a bidder to reveal information concerning its affiliates as required by FAR § 52.214-17 is a minor informality, which may be waived or cured after bid opening. FAR § 14.405(e); A&C Bldg. and Indus. Maintenance Corp., B-229931, Mar. 25, 1988, 88-1 CPD ¶ 309.

Although the protester seems to argue that the failure to reveal an affiliation between bidders may indicate collusive bidding, this is a matter for consideration by the contracting officer in the context of determining the responsibility of the bidder; and is not for consideration under our bid protest function. Servrite Int'l, Ltd., B-241942.2, Jan. 29, 1991, 91-1 CPD ¶ 84. Collusive bidding is a criminal offense and, if the contracting officer suspects that it has occurred, the matter should be referred to the Department of Justice. Id.

The protest is dismissed.



John Brosnan
Assistant General Counsel