

DECISION



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

Use
PL-I
30003

FILE: B-217007

DATE: December 13, 1984

MATTER OF: Larrabee Logging Company

DIGEST:

1. There is no prohibition against an unsuccessful bidder working as a subcontractor for a successful bidder.
2. It is permissible for a bidder to change its bid price prior to bid opening.
3. Allegation of collusion among two low bidders and a bonding company is denied where no evidence is submitted to support allegation. However, if protester has specific information, it should be presented to the contracting officer for possible forwarding to the Department of Justice in accordance with the Federal Acquisition Regulation.

Larrabee Logging Company (Larrabee) protests the award of a contract to either of the two low bidders under solicitation No. R10-84-36 issued by the United States Department of Agriculture, Forest Service, for a road project in Tongass National Forest, Alaska.

We deny the protest.

Larrabee protests the award to the low bidder on the basis that it attempted to correct its bid after the bid opening. However, Larrabee indicates that award will not be made to the low bidder, which the contracting agency has verified informally. Accordingly, there is no need for our Office to consider the protest against award to the low bidder.

Larrabee protests the award to the second low bidder on the basis that prior to bid opening, the second low bidder approached the low bidder about subcontracting the

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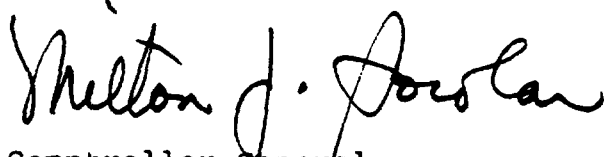
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work on the project if the second low bidder received the contract. However, there is no prohibition against an unsuccessful bidder working as a subcontractor for a successful bidder.

Larrabee also protests that the second low bidder lowered its bid before bid opening in an attempt to make it lower than Larrabee's bid. However, it is permissible for a bidder to change its bid price prior to bid opening. Federal Acquisition Regulation, § 14.303(a), 48 Fed. Reg. 42,102, 42,177 (1983) (to be codified at 48 C.F.R. § 14.303(a)).

While Larrabee alleges collusion on the part of the low and second low bidders and a bonding company in connection with bidding on the subject solicitation, Larrabee has provided no evidence in support of this allegation and we therefore deny this aspect of the protest. However, if Larrabee has specific evidence of criminal conduct, it should be presented to the contracting officer for possible forwarding to the Department of Justice in accord with Federal Acquisition Regulation § 3.303, 48 Fed. Reg. 42,102, 42,110 (1983) (to be codified at 48 C.F.R. § 3.303). See Medi Coach Inc., B-214034, May 2, 1984, 84-1 C.P.D. ¶ 501.

We have acted on the protest without receiving a contracting agency report since the protester's initial submission is clearly without merit. 4 C.F.R. § 21.3(g) (1984).

for 
Comptroller General
of the United States