



Comptroller General  
of the United States

Washington, D.C. 20548

Becker 152445

## Decision

**Matter of:** Whitfield Realty  
**File:** B-257077.5; B-257077.6  
**Date:** August 19, 1994

### DECISION

Whitfield Realty requests reconsideration of our June 17, 1994 dismissal of its protest under invitation for bids No. DACA21-94-B-0010 issued by the Department of the Army. Whitfield also now protests the actual awards of contracts under that solicitation.

We deny the request for reconsideration and dismiss the protest.

In its original protest Whitfield raised an assortment of issues regarding the acceptability of certain bids. We dismissed the protest on the grounds that the issues raised were without merit or involved a challenge to the contracting officer's determination that the bidders were responsible, a matter we do not consider under the circumstances here.

Whitfield now argues that in summarily dismissing the protest we did not fully consider its arguments and reached erroneous legal conclusions. Whitfield is incorrect.

A principal Whitfield argument is that certain of its competitors' bids were nonresponsive because they were not submitted by independent business entities or by a "broker in charge" as required by the solicitation. Whitfield correctly states that a bid that does not establish the identity of the bidder is nonresponsive. Whitfield's own submissions, however, revealed that the bids were submitted by specific, named individuals and that the agency was able to determine that it was these individuals with whom it would be contracting and who could be liable for contract performance, and who would be brokers in charge at the time of contract performance. Nothing submitted by Whitfield established that the solicitation required anything more.

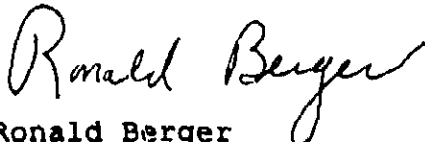
Whitfield's other principal assertion is that there have been violations of the Certification of Independent Price Determination, Federal Acquisition Regulation (FAR) § 52.203-2, which requires a bidder to certify that it has

arrived at its price independently, has not disclosed its price to other competitors, and has not attempted to induce another firm either to submit or not to submit a bid for the purpose of restricting competition. An allegation that a bidder has violated this provision is not for resolution by our Office but, rather, is a matter for consideration by the contracting officer in determining the responsibility of the proposed awardee. U-Liners Contracting Co., Inc., B-245179.2, Oct. 24, 1991, 91-2 CPD ¶ 370; Seyforth Roofing Co., Inc., B-241719.2, Mar. 11, 1991, 91-1 CPD ¶ 268. If the contracting officer suspects that there is collusion, the matter should be referred to the Attorney General for a criminal investigation. Connelly Containers, Inc., B-227539, July 14, 1987, 87-2 CPD ¶ 44.<sup>1</sup>

Finally, Whitfield again argues that the bidders should have been found nonresponsible. As we indicated above, that is an argument not for our consideration under the facts of this case.

Under our Bid Protest Regulations, to obtain reconsideration the requesting party must show that our prior decision may contain either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a). Whitfield has not met this standard. We therefore deny the request for reconsideration.

Whitfield's new protest raises the same issues that were presented in its original protest and in its request for reconsideration. Accordingly, it provides no new basis for our consideration. RMS Indus., B-247465; B-247467, June 10, 1992, 92-1 CPD ¶ 506; Wallace O'Connor, Inc., B-227891, Aug. 31, 1987, 87-2 CPD ¶ 213. The protest is dismissed.



Ronald Berger  
Associate General Counsel

---

<sup>1</sup>We also note that Whitfield itself may request the Attorney General to review the matter.