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DECISION



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

FILE: B-206080

DATE: February 4, 1982

MATTER OF: Aarid Van Lines, Inc.

DIGEST:

Evidence that two bidders have same business address and common officers and directors does not establish that the bidders falsely certified in their bids that their bid prices were arrived at independently. In any case, jurisdiction in such matters is committed to the Attorney General and Federal courts, not GAO.

Aarid Van Lines, Inc. (Aarid), protests the award of a contract for transportation services by the Department of the Army under solicitation No. DAAD05-82-B-5004 to Vanguard Moving & Storage, Inc. (Vanguard). Aarid points out that Vanguard and Guardian Moving & Storage (Guardian), another bidder for this contract, although distinct corporate entities, have the same business address and share common officers and directors. Aarid suggests this information is evidence that the firms falsely certified in their bids that their bid prices were arrived at independently.

We will not consider the protest.

With respect to the allegation that Vanguard and Guardian falsified the independent price determinations, the purpose of a certification of independent pricing is to assure that bidders do not collude to set prices or to restrict competition by inducing others not to bid, which would constitute a criminal offense. See Columbus Marble Works, Inc., B-193754, August 21, 1979, 79-2 CPD 138. In our view, evidence that two bidders have the same business address and common officers and directors does not establish that they have conspired in either respect. See 51 Comp. Gen. 403, 405 (1972); Northwest Janitorial Service, B-203258, May 28, 1981, 81-1 CPD 420; Grimaldi Plumbing & Heating Co., Inc., B-183642, May 20, 1975, 75-1 CPD 307.

In any event, it is within the jurisdiction of the Attorney General and the Federal courts to determine what constitutes a violation of a criminal statute, not the General Accounting Office. See Industrial Design Laboratories, Inc., B-190031, May 19, 1978, 78-1 CPD 385. Defense Acquisition Regulation §§ 1-111.2 and 1-115(f) (1976 ed.) do require that where a certification of independent price determination is suspected of being false or there otherwise is an indication of collusion, the matter be referred to the Attorney General by the procuring agency. The record shows that Aarid protested the certification issue to the Army, and the Army investigated the matter and denied Aarid's protest. However, we know of nothing that would prevent Aarid from asking the Attorney General to review the matter. See Columbus Marble Works, Inc., supra; Industrial Design Laboratories, Inc., supra.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel