



Decision

Matter of: Global Water
File: B-259053
Date: October 25, 1994

DECISION

Global Water protests the award of a contract to Sharman, Inc. under invitation for bids No. R5-16-94-40, issued by the Department of Agriculture, Forest Service, for water monitoring station equipment.

We dismiss the protest.

Global Water alleges that Sharman falsely certified that it independently arrived at its bid price because Sharman is a representative of Isco Incorporated, a manufacturer of the equipment being procured. Both Isco and another of its representatives, R.C. Hoffman, submitted bids under the IFB. According to Global Water, all three bidders acted together in developing their bid prices.

The Certificate of Independent Price Determination clause at Federal Acquisition Regulation § 52.203-2 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. Seyforth Roofing Co., Inc., B-241719.2, Mar. 11, 1991, 91-1 CPD ¶ 268. Since collusive bidding is a criminal offense, if the contracting officer suspects that there is collusion, the matter should be referred to the Attorney General. Id.

The protest is dismissed.

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