

**DECISION**



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

FILE: B-186621

DATE: September 21, 1976

MATTER OF: Computer Optics, Inc.

61523

98000

**DIGEST:**

Allegation that contracting officer, after being offered unfavorable information with respect to financial capability of low offeror, improperly requested second round of best and final offers in hope of displacing low offeror, is not supported by record, which indicates only that information provided was neither accepted nor considered by contracting officer.

Computer Optics, Inc. protests the Defense Supply Agency's (DSA) award of a contract to Sanders Data Systems for cathode ray terminals. Computer Optics alleges that the award should have been made to it on the basis of its original best and final offer and that the contracting officer's request for a second round of best and final offers was improper.

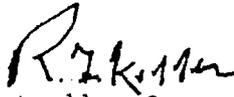
We have previously considered the propriety of the second call for best and final offers in this procurement. Sycor, Inc., B-185566, April 27, 1976, 76-1 CPD 284, affirmed, B-185566, May 19, 1976, 76-1 CPD 335. In those decisions we held that where the 120-day offer acceptance period had expired and cost and technical evaluations had not been completed, the request by the contracting officer for a second round of best and final offers on the basis of changed economic conditions was not objectionable.

Computer Optics now contends that it learned on May 24, 1976, of certain events which lead it to believe the contracting officer's stated reason for requesting new best and final offers was "capricious and without substance" and merely a "subterfuge" to enable him to avoid making award to Computer Optics. According to the protester, on November 5, 1975, a representative of Sycor, Inc., a competitor of Computer Optics, offered certain unfavorable information concerning the financial status of Computer Optics to the contracting officer. Although the contracting officer refused to accept this information, the protester contends that the contracting officer was influenced by it and therefore chose to call for new best and final offers instead of requesting a pre-award survey on Computer Optics, the low offeror.

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We are unable to sustain the protest on this basis. The record shows that the contracting officer refused to accept the material proffered by Sycor, and DSA denies that the contracting officer considered the content of the material in any way. DSA reiterates that the contracting officer requested revised prices because proposal evaluation could not be completed prior to the offer expiration date and because the proposals might reflect "unrealistic" pricing in view of changed economic conditions. There is nothing at all in the record which supports the protester's contention that the contracting officer's decision to request new offers was based on or influenced by the information offered by Sycor.

The protest is denied.

  
Acting Comptroller General  
of the United States