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*Justice
Pm*

DECISION



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

FILE: B-201245

DATE: December 16, 1980

MATTER OF: Hardwick Knitted Fabrics, Inc. *DLG 05659*

DIGEST:

Even though protester did not receive copy of IFB, protest is summarily denied since there is no evidence that protester was deliberately or consciously excluded from bidding and two responsive bids were received.

Hardwick Knitted Fabrics, Inc. (Hardwick), has protested the failure of Hardwick to receive a copy of invitation for bids (IFB) No. DLA100-80-B-1388 issued by the Defense Logistics Agency (DLA). *AGC00378*

Hardwick states that it was advised on July 7, 1980, by an employee of the procuring activity, that an IFB would be issued in the third or fourth quarter of the year for 130,000 yards of Type II fleece. In the October 2, 1980, issue of the Commerce Business Daily, a notice was contained regarding the issuance of the IFB on or about October 8, 1980. Hardwick contacted the procuring activity and was told there had been a delay in issuing the IFB, but that it would be issued soon. On November 12, 1980, Hardwick again contacted the procuring activity and was advised bids had been opened November 6, 1980, and that while Hardwick was on the bidders list, nothing could be done at that time since bids had been opened. *ID*

Hardwick's protest is based on the contentions that it was unfairly denied an opportunity to compete by not receiving a copy of the IFB and that DLA did not receive the most competitive price since Hardwick did not bid.

We have held in numerous decisions that where adequate competition resulted in reasonable prices and where there was no deliberate or conscious intent

**[Protest Involving
Firm's Failure
To Receive IFB]**

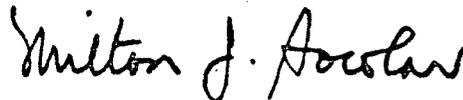
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on the part of the procuring agency to preclude a bidder from competing, bids need not be rejected solely because a bidder (even the incumbent contractor) did not receive a copy of the IFB. Mid-America Food Service, Inc. B-194658, July 26, 1979, 79-2 CPD 56. Our Office has also held that adequate competition is normally obtained when competitive bids have been received. Reliable Elevator Corp. B-191061, April 27, 1978, 78-1 CPD 330.

Here, two responsive bids were received and Hardwick has presented no evidence that it was deliberately excluded from competing. To the contrary, based on the agency's contact in July with Hardwick, it appears the agency desired Hardwick to compete.

Because we believe it clear from Hardwick's initial submission to our Office that the protest is without legal merit, we have reached the decision without requiring a report from the procuring activity. Seacoast Trucking & Moving, B-200315, September 30, 1980, 80-2 CPD 235.

The protest is summarily denied.



For the Comptroller General
of the United States