

DECISION

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

FILE: B-209090

DATE: November 3, 1982

MATTER OF: CGA/Allen Software Products Group

DIGEST:

Protest against rejection of late bid based on allegation that procuring agency erroneously sent notice of solicitation to the incorrect address is summarily denied where the protester has not shown that competition was not received and that failure to furnish notice resulted from deliberate or conscious effort to preclude it from competition.

CGA/Allen Software Products Group (CGA/Allen) protests any contract award under solicitation No. GSC-CDPS-C-00021-N-5-12-82 issued by the Automated Data and Telecommunication Services, General Services Administration (GSA).

The protest is summarily denied. We do so without obtaining a report from the contracting agency, since it is clear from the material furnished by CGA/Allen that the protest is without legal merit. Pacific Coast Welding & Machine, Inc., B-205874, January 15, 1982, 82-1 CPD 36.

The solicitation invited bids for the GSA/ADP Equipment and Software Supply Schedule for fiscal year 1983. CGA/Allen states that every year since 1977, it has competed to get its products included on the GSA Supply Schedule. CGA/Allen complains, however, that this year GSA erroneously sent a copy of the notice of the solicitation to its financial payment office in Vandalia, Ohio, rather than to its listed contracting office in Naples, Florida. As a result of this error, CGA/Allen informs us that it responded to the solicitation late, which prompted GSA to reject its bid. CGA/Allen protests the rejection of its bid on the grounds that GSA was the cause of the late bid; that GSA's decision to reject its bid contradicts the Small Business Act; and that CGA/Allen is likely to suffer a substantial financial loss during fiscal year 1983.

We have held that the failure by an agency to solicit even an incumbent contractor does not require resolicitation where adequate competition resulted in reasonable

prices and where there was no deliberate or conscious intent on the part of the procuring agency to preclude a bidder from competing. Security Assistance Forces & Equipment OHG, B-205124, April 16, 1982, 82-1 CPD 353. CGA/Allen has neither alleged nor shown that reasonable competition was not received and that GSA deliberately or consciously intended to preclude it from the competition.

The protest is summarily denied.

for 
Comptroller General
of the United States