

DECISION



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

may
2-4-83

FILE: B-210076

DATE: January 18, 1983

MATTER OF: Uffner Textile Corporation

DIGEST:

Where copy of solicitation was sent to protester and agency attempted to synopsise acquisition in Commerce Business Daily (CBD), GAO will not disturb otherwise valid acquisition even though protester never received copy of the solicitation and synopsis was not published in CBD, since it does not appear that there was a deliberate attempt by the agency to preclude protester from competing.

Uffner Textile Corporation protests the award of a contract to any bidder under solicitation No. DACA78-83-B-0001 issued by the U.S. Army Engineer District, Winchester, Virginia. Uffner contends that the acquisition is defective because (1) it did not receive a copy of the solicitation even though it was on the bidder's list, and (2) notice of the acquisition was never published in the Commerce Business Daily (CBD) as required by the procurement regulations. For the following reasons, we summarily deny the protest.

The solicitation was issued on October 27, 1982, and opened on November 29. Uffner states that on numerous occasions between the summer and November of 1982 it apprised the contracting activity of its desire to submit a bid on the needed items when a solicitation for them was issued. It further states that although its representatives visited the facility during the time between the issuance and opening of the solicitation, it was never informed that the solicitation was outstanding.

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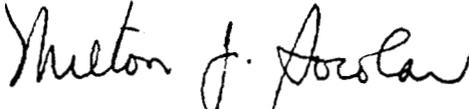
We have been informally advised by the Army that a copy of the solicitation was sent to 20 prospective bidders including Uffner and that responsive bids were received from 6 firms. The Army further advises that a synopsis of the acquisition was mailed to the CBD for publication, but inexplicably was never published.

Where adequate competition results in reasonable prices and where there is no purpose or intent on the part of the procuring agency to preclude a bidder from competing, bids need not be rejected solely because a bidder did not receive a copy of the solicitation. Kilgore Karpel Kare, B-206737, April 6, 1982, 82-1 CPD 323. Moreover, we will not disturb an otherwise valid acquisition where there has been a failure to synopsise the acquisition in the CBD if the failure is not the result of a deliberate attempt to preclude a potential source from competing. Electronic Systems USA, Inc., B-202488, August 7, 1981, 81-2 CPD 108.

Here, Uffner does not allege that it was deliberately excluded from competing. To the contrary, our understanding is that an attempt was made to afford Uffner an opportunity to compete. Moreover, since six responsive bids were submitted, it is clear that adequate competition was obtained.

Because we believe that it is clear from Uffner's initial submission to our Office that the protest is without legal merit, we have reached the decision without requiring a formal report from the procuring activity. Kilgore Karpel Kare, supra.

The protest is summarily denied.

for 
Comptroller General
of the United States