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**DECISION**



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

**FILE:** B-212733

**DATE:** September 12, 1983

**MATTER OF:** Hamilton Sorter Co., Inc.

**DIGEST:**

The fact that the incumbent contractor did not receive solicitation for the current procurement does not constitute compelling reason to resolicit agency needs where no showing has been made that adequate competition was not obtained, that prices obtained were unreasonable, or that failure was the result of a deliberate or conscious attempt to preclude the incumbent contractor from competing.

Hamilton Sorter Co., Inc. (Hamilton), the incumbent contractor for the General Services Administration (GSA) 1982-1983 contract for certain automatic data processing equipment furniture, storage, and transportation items requests that the GSA solicitation for the 1983-1984 contract be canceled and that the procurement be resolicited so that it might bid on the procurement.

Hamilton states that either the contracting agency failed to send it a copy of the solicitation or the solicitation was sent to it, but not received. The closing date for the solicitation was July 1, 1983. Hamilton learned of the solicitation and its closing date on August 9.

Since it is clear from the protester's initial submission that the protest is without merit, the matter is decided without obtaining an agency report. 21 C.F.R. § 21.3(g) (1983).

The failure of a contracting agency to solicit a potential supplier or the failure of that supplier to receive the solicitation sent to it by the agency--even where the supplier is the incumbent contractor for the current year contract--so as to preclude it from competing on a procurement does not constitute a compelling reason to require the resolicitation of that procurement where, as here, it has not been shown that adequate competition was

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not obtained, reasonable prices were not obtained, or a deliberate or conscious attempt was made to preclude the potential supplier from competing on the procurement. U.S. Air Tool Co., Inc., B-192401, October 30, 1978, 78-2 CPD 307.

The protest is summarily denied.

*for*   
Comptroller General  
of the United States