

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

27402

FILE: B-214159**DATE:** February 14, 1984**MATTER OF:** U. S. Air Tool Co., Inc.**DIGEST:**

Protest that procuring agency failed to furnish solicitation to protester is summarily denied where the protester has not shown that competition and reasonable prices were not obtained and the failure to furnish the solicitation was not shown to be the result of any deliberate or conscious effort to exclude the protester from competition.

U. S. Air Tool Co., Inc. (U. S. Air), protests any contract award under solicitation No. FEP-BA-F0198-A issued by the 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 material furnished on behalf of U. S. Air that the protest is without legal merit. Pacific Coast Welding & Machine, Inc., B-205874, January 15, 1982, 82-1 CPD 36.

U. S. Air complains that although it has previously supplied products to GSA, this year GSA failed to send it the bid forms for the subject procurement. U. S. Air requests that it be afforded the opportunity to submit a bid.

GSA informally advised our Office that 30 bids were received and that the procuring agency inadvertently failed to solicit U. S. Air.

Although it is unfortunate that U. S. Air was not solicited, 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. See CGA/Allen Software Products Group, B-209090, November 3, 1982, 82-2 CPD 406. Kilgore Karpets Kare, B-206737, April 6, 1982, 82-1 CPD 323. U. S. Air has neither alleged nor shown that

reasonable competition and prices were not obtained or that GSA deliberately or consciously intended to preclude it from the competition.

for *Milton J. Acosta*
Comptroller General
of the United States