

DECISION

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

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FILE: B-214582**DATE:** April 12, 1984**MATTER OF:** ModuForm, Inc.**DIGEST:**

Protest alleging that the General Services Administration failed to furnish a copy of a Federal Supply Schedule solicitation to the protester is denied summarily where the protester has neither alleged nor shown that the agency intended to exclude the protester from submitting a proposal.

ModuForm, Inc. protests its failure to receive General Services Administration (GSA) solicitation No. FNP-A6-1574-N, which sought offers leading to the award of multiple-award Federal Supply Schedule (FSS) contracts for upholstered furniture. We deny the protest summarily because it is clear from the protester's initial submission to this Office that the protest is without legal merit.

ModuForm, an incumbent multiple-award schedule contractor, says that prior to the issuance of solicitation -1574 it had been in contact with the agency, "working out the details of adding new items to the contract." When it received an amendment to solicitation -1574, the protester says it read the amendment as applying to its existing contract. The protester signed the amendment and returned it to the agency; it did not submit a proposal for a new schedule contract. The protester says it first realized that the amendment related to a new solicitation only after the solicitation's closing date. According to the protester, it never received a copy of the new solicitation, even though GSA knew of the company's desire to receive a new schedule contract.

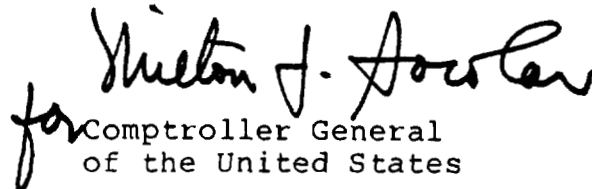
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This Office will not recommend a resolicitation solely because a prospective offeror did not receive a copy of a FSS solicitation so long as there was no intent by the agency to prevent the firm from submitting a proposal. See, e.g., Technicon Instruments Corporation, B-208121, September 28, 1982, 82-2 CPD 293. Here, the protester merely states that the needs of the user agencies will not be served adequately if it does not receive a new schedule contract; the protester has neither alleged nor shown that GSA intended to exclude it from the competition. Thus, even assuming that ModuForm did not receive a copy of the solicitation, the protester's initial submission fails to establish any basis for us to recommend corrective action.

In any event, GSA has informed us informally that it did send ModuForm a copy of the solicitation. In addition, the protester admits to having received an amendment to the solicitation, and we note that the agency announced its intention to issue the solicitation in the January 24, 1984 issue of the Commerce Business Daily. Therefore, ModuForm had at least constructive notice of the solicitation and its closing date. See American Radhial Inc., B-212384, August 12, 1983, 83-2 CPD 204.

Under the circumstances, we summarily deny the protest.


for Comptroller General
of the United States