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DECISION



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

FILE: B-219807

DATE: August 14, 1985

MATTER OF: King Kong Services

DIGEST:

A firm's omission from a bidders list does not provide a reason to cancel a solicitation and resolicit so long as the agency sought and obtained adequate competition, will award a contract at a reasonable price and no deliberate attempt to exclude the firm from competing is shown.

King Kong Services protests any contract award under Veterans Administration (VA) solicitation No. 518-50-85, a small business set-aside for window cleaning services at the Veterans Hospital in Bedford, Massachusetts. King Kong complains that it was improperly deprived of the opportunity to bid because it did not receive a copy of the solicitation. The protester maintains that the VA had assured it, when it bid unsuccessfully for a similar contract in May of 1984, that its name would be kept on a bidders list for use in future procurements. We dismiss the protest.

The VA published a notice of the procurement in the Commerce Business Daily (CBD) on April 23, 1985. Eighteen solicitations were issued to the names on a bidders list and to all of the firms that responded to the CBD notice. King Kong was not on the bidders list, nor did it reply to the CBD notice. Four bids were received with what the VA determined to be reasonable prices.

King Kong's reliance on the alleged agency assurance that its name would be kept on the bidders list does not constitute a reason to cancel a solicitation and resolicit. Unless there is evidence of a conscious or deliberate effort to exclude a bidder from participating in the competition, we will not require an agency to resolicit bids if the agency makes a significant effort to obtain adequate competition and will award a contract at a reasonable price. Ontario Knife Co., B-205142, Feb. 10, 1982, 82-1 CPD # 125.

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In light of the VA's timely published notice of this procurement, the number of solicitations issued, and the receipt of four bids, we find that the agency sought and obtained adequate competition. See Blast Deflectors, Inc., B-212610, Jan. 9, 1984, 84-1 CPD ¶ 56. Additionally, King Kong does not question the reasonableness of the prices obtained, and admits that no attempt was made to exclude it from the competitions. Accordingly, we do not find a valid basis for protest. As required by 4 C.F.R. § 21.3(f) (1985).

The protest is dismissed.

Ronald Berger
 Ronald Berger
 Deputy Associate
 General Counsel

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