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**DECISION**



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

**FILE:** B-220004.3

**DATE:** January 17, 1986

**MATTER OF:** Integrity Management International, Inc.

**DIGEST:**

Protester's allegation that lower bidders were nonresponsive for failing to submit amendments and manning documents is without merit where low bidder withdrew its bid and second low bidder submitted the necessary documents and the only evidence to show that it did not is the protester's conflicting allegation.

Integrity Management International, Inc. (IMI), protests the proposed award of invitation for bids (IFB) No. N00604-85-B-0091, issued by the Naval Supply Center (Navy), Pearl Harbor, Hawaii, for mess attendant services. IMI, the third low bidder, alleges that the two lower bidders were nonresponsive to the IFB.

We deny the protest.

IMI alleges that neither Olympic Truck Cleaners (Olympic), the low bidder, nor Renaissance Exchange, Inc. (RE), the second low bidder, submitted amendment No. 0005 and manning documents, which were required by the IFB. The Navy reports that while Olympic did not submit manning documents and amendment No. 0005, it has been permitted to withdraw its bid on the basis of a mistake. Further, the Navy advises that RE submitted all amendments and manning documents with its bid. A copy of these documents is part of the Navy's report. The Navy reports that at bid opening, it erroneously announced that RE had not submitted amendment No. 0005; however, after further review, the amendment was found to be included with the bid.

IMI contends, on the basis of the Navy's response to its Freedom of Information Act (FOIA) request for the amendments and manning documents of Olympic and RE, that there was collusive bidding because the bidders appear to have submitted the same manning documents. Alternatively,

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IMI alleges that the Navy could have mistakenly included Olympic's manning documents as part of RE's bid, which means that RE's bid still should have been rejected as nonresponsive.

Concerning the alleged nonresponsiveness of Olympic's bid, since it was permitted to withdraw, the issue is academic. Further, the Navy advises that IMI is misinformed about the identity of the bidder from which manning documents and amendment No. 0005 were not received. Olympic did not submit either document. RE submitted both with its bid, as previously indicated. From our examination of the FOIA response, it appears that the Navy forwarded RE's manning documents in response to the FOIA request for Olympic's and then sent them again when IMI requested RE's documents. There is no evidence that RE did not submit manning documents or that Olympic and RE submitted the same manning documents, save IMI's allegations that the Navy mistakenly made Olympic's manning documents a part of RE's bid. Therefore, IMI has not met its burden of affirmatively proving these allegations since there is only conflicting evidence from the the Navy and IMI, in which case we are compelled to accept the Navy's explanation of the facts involved here. See Intermem Corporation, B-217378, Mar. 29, 1985, 85-1 C.P.D. ¶ 378.

for *Seymour Gros*  
Harry R. Van Cleve  
General Counsel