



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: National Robotics Company

File: B-252059

Date: May 27, 1993

Paul Stuart for the protester,
Eileen G. Strong, Esq., Department of the Treasury, for the
agency.
Robert C. Arsenoff, Esq., and Charles W. Morrow, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Protest against the issuance of a purchase order under small purchase procedures is denied where the record shows that, after the competing firms were provided an equal opportunity to compete, the contracting agency issued the order to the awardee because of its lower price and reliable record of past performance.

DECISION

National Robotics Company protests the issuance of purchase order No. IR-93-ASC-0043C-MOD1, for maintenance services on two Bell & Howell mailmobile units, to Bell & Howell Mailmobile Company by the Department of the Treasury, Internal Revenue Service, Andover Service Center (ASC).

We deny the protest.

ASC initiated this procurement on October 8, 1992, under small purchase procedures,¹ to procure a maintenance service contract for two Bell & Howell mailmobile units on a competitive basis. Previously, ASC had obtained maintenance services exclusively from Bell & Howell, since the agency was unaware of any other contractors capable of providing the requirement. In September 1992, National Robotics

¹Small purchase procurements are acquisitions not exceeding \$25,000, which are exempted from the requirement for "full and open" competition in the Competition in Contracting Act of 1984, 41 U.S.C. § 253(a)(1)(A) (1988), and rely upon simplified procedures to promote economy and efficiency. See Federal Acquisition Regulation § 13.102.

expressed interest in performing this requirement. Therefore, ASC decided to solicit competitively from National Robotics and Bell & Howell. Since the current contract with Bell & Howell was expiring on September 30, ASC issued an interim order to Bell & Howell for a three month period from October 1 to December 31, at a previously quoted Bell & Howell price,² in order to ensure uninterrupted service.

On October 20, ASC telephonically solicited oral quotations from National Robotics and Bell & Howell. National Robotics quoted a per month price of \$1,055.42, while Bell & Howell quoted a per month price of \$746.66. Following the receipt of written confirmations, on November 24 ASC issued a purchase order to Bell & Howell based upon the firm's lower quoted price and reliable record of past performance. National Robotics filed this protest on January 22, assertedly after the agency failed to provide a timely written explanation.

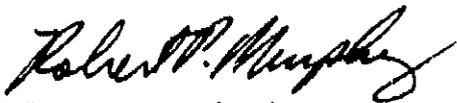
National Robotics objects to the issuance of the purchase order to Bell & Howell because ASC allegedly informed National Robotics that it submitted the lowest quotation and would receive the order but subsequently reversed the decision allegedly after accepting a lower second quotation from Bell & Howell. It is the protester's contention that Bell & Howell's low quotation was submitted only as the result of ASC's affording Bell & Howell the opportunity during the competition to submit a second quotation--an opportunity allegedly sought by National Robotics but denied by the agency.

In conducting a small purchase procurement, an agency need only solicit quotations from a reasonable number of potential sources, judge the advantages and disadvantages of each quotation in relation to the prices quoted and determine in good faith which quotation will best meet the needs of the government. See Brennan Assocs. Inc., B-231859, Sept. 28, 1988, 88-2 CPD ¶ 295. The procurement, however, still must be conducted consistent with the concern for a fair and equitable competition that is inherent in any procurement. Ronald S. Yacisin, B-245803, Nov. 20, 1991, 91-2 CPD ¶ 486.

²In June 1992, Bell & Howell quoted ASC a renewal price of \$14,285.52 for fiscal year 1993 which ASC calculated to be \$1,190.46 per month for the interim order. National Robotics has not disputed the issuance of the interim purchase order.

Although National Robotics claims that ASC initially declared it the winner and that Bell & Howell was the low quoter only after ASC afforded Bell & Howell the unilateral opportunity to submit a second quotation, ASC reports, and the record confirms, that Bell & Howell submitted only one quotation. While National Robotics argues that it was denied the opportunity to submit a lower quotation, there is no evidence in the record to support this contention. Contrary to the protester's assertions, the record shows that ASC issued Bell & Howell the purchase order because the firm quoted a lower price than National Robotics's and because Bell & Howell had performed reliably in the past. Since the record shows that National Robotics and Bell & Howell were provided an equal opportunity to compete, and that the award was issued to Bell & Howell based upon its lower price and performance record, we find that ASC properly issued the purchase order to Bell & Howell.

The protest is denied.


for James F. Hinchman
General Counsel