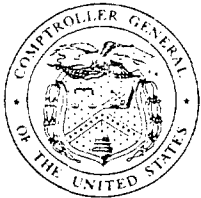


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Page 2

DECISION



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

8994

FILE: B-192983

DATE: January 30, 1979

MATTER OF: Thiokol Corporation *DLG00763*

DIGEST:

[Inadvertent failure of procurement activity to send firm invitation for *To Potential Bidder* procurement is not compelling reason *To Resolicit*] to question award when there is no evidence of conscious or deliberate effort by activity to preclude firm from competing and adequate competition resulted in award at reasonable price.

ASCO0030

Invitation for bids No. RM55-8-44 was issued by the Federal Aviation Administration (FAA) for the procurement of three oversnow vehicles. Only one bid was received, and award was made to that bidder. The Thiokol Corporation protests the award made on this basis and the failure of the FAA to solicit it and two other firms, all of whom had on a regular basis submitted bids in the past. It believes that in making the award without soliciting these three firms and on the basis of only one received bid, the FAA was in violation of the procurement regulations which require full and free competition on Government procurements as well as the proper solicitation of competitive bids.

A total of 16 prospective bidders was originally sent copies of the invitation. In addition, the procurement was synopsised in the Commerce Business Daily and the bid package was posted in the procurement office. One bidder (the subsequent awardee) requested, and was sent, a copy of the invitation after seeing the advertisement in the Commerce Business Daily. Subsequently, another invitation was also sent to another potential bidder. The failure to send copies to Thiokol and the other two firms (as well as others) was apparently the result of a secretarial clerical mistake in retyping an old bidders list. The one bid received was compared with other bid prices received over the last 2 years, taking into account all relevant considerations, and the price was determined to be reasonable.

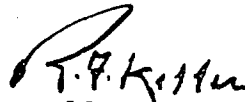
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dlc

Inadvertent actions of an activity which preclude a potential bidder from competing on a procurement do not constitute a compelling reason to resolicit if adequate competition and reasonable prices were obtained and there was no deliberate or conscious attempt to preclude the potential bidder from competing. Valley Construction Company, B-185684, April 19, 1976, 76-1 CPD 266.

The contracting activity determined the award price to be reasonable in view of prices obtained on past purchases. Thiokol does not contend the award price to be unreasonable. Further, Thiokol does not contend that there was a deliberate or conscious effort made to exclude it from the bidding for this procurement.

Accordingly, the protest is denied.



Deputy Comptroller General
of the United States