

Bestaf
25688

DECISION



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

FILE: B-210966

DATE: July 12, 1983

MATTER OF: ERA Helicopters, Inc.

DIGEST:

1. When there is no deliberate attempt by procuring agency to preclude a protester from competition, and adequate competition results in reasonable prices, GAO will not disturb otherwise valid award even though protester did not receive a copy of the solicitation.
2. Publication of a synopsis in the Commerce Business Daily constitutes constructive notice of a solicitation and its contents to prospective bidders.

ERA Helicopters, Inc. protests the award of contracts under invitation for bids No. 813-05, issued by the Department of the Interior, Office of Aircraft Services, Anchorage, Alaska, for two helicopters and pilots to be used by the Bureau of Land Management to support firefighting services. ERA contends that the agency changed its procedures for soliciting bids without notice to interested parties, which resulted in ERA's not receiving a copy of the solicitation.

We deny the protest.

In an effort to reduce printing costs, the agency, which historically has sent solicitations automatically to each firm on a master list of approved bidders, recently changed its procedures and now sends advance notice of procurements to each firm, requesting them to notify the contracting officer if they wish to receive a copy of a particular solicitation.

026104

B-210966

In this case, a synopsis of the solicitation was published in the Commerce Business Daily on November 23, 1982. In addition, an advance notice was mailed to all prospective bidders on the master list, including ERA, and the solicitation subsequently was mailed to all prospective bidders that had requested it. Bids were opened on February 2, 1983, and contracts were awarded on February 25, 1983, to Kenai Air Alaska, Inc. and International Air Transport, the two lowest bidders. ERA states that it never received the notice supposedly sent to it.

Where adequate competition results in reasonable prices and where there is no purpose or intent on the part of the procuring agency to preclude a bidder from competing, bids need not be rejected solely because a bidder did not receive a copy of the solicitation. Uffner Textile Corporation, B-210076, January 18, 1983, 83-1 CPD 66. Here, 11 firms submitted bids; thus, there appears to have been adequate competition, and ERA has not questioned the reasonableness of the price of the contracts that were awarded. While the firm asserts that it may have been deliberately excluded from the competition, it has not presented any evidence to support this claim. Moreover, publication of a synopsis in the Commerce Business Daily constitutes constructive notice of a solicitation and its contents. See Phoenix Power Systems, Inc., B-207818, July 1, 1982, 82-2 CPD 11. Therefore, even though ERA did not have actual notice, it legally did have constructive notice of the solicitation and its contents. Under the circumstances, there is no basis for us to object to the awards.

The protest is denied.

for Milton J. Fowler
Comptroller General
of the United States