

DECISION



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

FILE: B-213107

DATE: October 4, 1983

MATTER OF: UPCO Lock and Safe Service

DIGEST:

Failure of a potential bidder to receive a copy of a solicitation is not a reason to disturb an award where there is no showing that adequate competition and reasonable prices were not obtained, or that the failure was the result of a deliberate attempt to exclude the firm from bidding.

UPCO Lock and Safe Service protests the failure of the Department of Health and Human Services to solicit a bid from the firm for the agency's lock repair requirements, for which UPCO had been competing unsuccessfully for several years. UPCO states that when it called the agency on September 21, 1983, it was informed that the invitation for bids had been sent out on July 12 with the bid opening date specified as August 12, and that the contract had been awarded to the incumbent contractor.

We summarily deny the protest.

While it is unfortunate that UPCO did not receive the invitation, the propriety of a federal procurement does not depend upon whether a particular firm has been given an opportunity to bid, but upon whether the agency obtained adequate competition and reasonable prices. Polytech, Incorporated, B-199770, January 7, 1981, 81-1 CPD 14. Therefore, in the absence of proof that an agency deliberately attempted to exclude a firm from bidding, our Office will not disturb an award where adequate competition and reasonable prices were obtained. See Casper Janitorial Co., B-211060, March 22, 1983, 83-1 CPD 298.

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UPCO has not alleged that there was inadequate competition or that the government did not obtain reasonable prices, and it has submitted no evidence showing that its failure to receive the invitation was due to a deliberate attempt by the agency to prevent the firm from competing. We therefore have no legal basis to disturb the procurement.

This protest is denied.

for *Milton J. Aroslaw*
Comptroller General
of the United States