

DECISION

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

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FILE: B-216134**DATE:** September 5, 1984**MATTER OF:** Jimmie Jones Company of Oklahoma City, Inc.**DIGEST:**

Protest that procuring agency failed to furnish solicitation to protester is summarily denied where the protester has not shown that competition and reasonable prices were not obtained and the failure to furnish the solicitation was not shown to be the result of any deliberate or conscious effort to exclude the protester from competition.

Jimmie Jones Company of Oklahoma City, Inc. (Jones), protests any contract award under solicitation No. 7PF-52454/T4/75B issued by the General Services Administration (GSA).

The protest is summarily denied. We do so without obtaining a report from the contracting agency, since it is clear from material furnished on behalf of Jones that the protest is without legal merit. Pacific Coast Welding & Machine, Inc., B-205874, Jan. 15, 1982, 82-1 C.P.D. ¶ 36.

Jones complains that although for the past 3 years it supplied the requirements to GSA, this year GSA failed to send it the bid forms for the subject procurement. Jones requests that the procurement be recompeteted and that it be afforded the opportunity to submit a bid.

GSA informally advised our Office that the procurement was advertised in the Commerce Business Daily (CBD), that 40 bids were received and that the procuring agency inadvertently failed to solicit Jones.

Although it is unfortunate that Jones was not solicited, we have held that the failure by an agency to solicit even an incumbent contractor does not require resolicitation where adequate competition resulted in reasonable prices and where there was no deliberate or conscious intent on the part of the procuring agency to

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preclude a bidder from competing. See U. S. Air Tool Co., Inc., B-214159, Feb. 14, 1984, 84-1 C.P.D. ¶ 200; CGA/Allen Software Products Group, B-209090, Nov. 3, 1982, 82-2 C.P.D. ¶ 406; Kilgore Karpets Kare, B-206737, Apr. 6, 1982, 82-1 C.P.D. ¶ 323. Jones has neither alleged nor shown that reasonable competition and prices were not obtained or that GSA deliberately or consciously intended to preclude it from the competition.

for *Wilton J. Fowler*
Comptroller General
of the United States