



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Le Don Computer Services, Inc.
File: B-225451
Date: January 9, 1987

DIGEST

Protest is dismissed where two grounds of protest (that the Navy did not communicate an amendment to protester and that the Navy improperly disclosed protester's price) are unsupported, affirmative responsibility decision is involved in third ground of protest, and fourth ground of protest (alleged contracting agency delay in notifying protester of award) does not affect propriety of award.

DECISION

Le Don Computer Services, Inc. (Le Don), has protested an award of a contract by the Naval Supply Systems Command to Online Computer Products Corporation (Online), under Request for Proposals (RFP) No. N00600-86-R-1660, on the basis that: (1) Online's price is so low that the company cannot satisfy the contract requirements; (2) the Navy did not communicate to Le Don an amendment to the RFP; (3) Le Don's price was improperly disclosed to its competition; and (4) the Navy took too long to inform Le Don of the Online award.

We dismiss the protest.

The allegation that Online's price is too low essentially involves an allegation that Online should not be considered to be a responsible contractor. In reply, the Navy states that it believes Online can do the work at the contract price and that, in any event, the Navy found Online to be a responsible prospective contractor. Our Office will not review protests of affirmative determinations of responsibility unless the protester shows possible fraud or bad faith on the part of contracting officials or alleges that the solicitation contains definitive responsibility criteria which have been misapplied. Arcwell Corp., B-224726, Sept. 25, 1986, 86-2 C.P.D. ¶ 357. Le Don has not made this showing; consequently, we dismiss this ground of protest.


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Le Don's argument that the Navy did not communicate an RFP amendment to it is denied by the Navy, which insists that it did mail all RFP amendments to Le Don. In the absence of any evidence to support this ground of protest, we also dismiss it.

Next, Le Don argues that the Navy improperly disclosed its proposed price to competitors. This allegation also is unsupported. A price reduction in a competitor's best and final proposal is an insufficient basis to support a conclusion that the protester's pricing information has been leaked if the record, as here, fails to show any evidence of this action. Nuclear Reserach Corp., B-189790, Feb. 22, 1978, 78-1 C.P.D. ¶ 147. The Navy insists that at no time before award did it release pricing information. Consequently, we dismiss this ground of protest.

Finally, Le Don argues that the Navy took too long to inform it of the Online award. This ground of protest, however, does not affect the propriety of the award.

Protest dismissed.



Robert M. Strong
Deputy Associate General Counsel