



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Grant's Janitorial and Food Service, Inc.
File: B-244170
Date: May 28, 1991

Joseph L. Grant for the protester,
Catherine M. Evans, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest of agency's disclosure of incumbent contractor's option unit prices under its current contract to prospective offerors at pre-proposal conference is dismissed; disclosure of nonproprietary option price information is proper where agency issues solicitation to determine whether exercise of option is to agency's advantage.

DECISION

Grant's Janitorial and Food Service, Inc. protests the agency's disclosure of its option period unit prices under its current contract to other prospective offerors at a pre-proposal conference for request for proposals (RFP) No. DABT02-91-R-0010, issued by the Department of the Army for food services at Fort McClellan, Alabama. Grant's alleges that the agency's disclosure of the option period prices in its contract places it at a competitive disadvantage; it therefore requests that the agency cancel the solicitation and exercise the remaining options under its current contract.


We dismiss the protest.

In deciding whether to exercise a contract option, Federal Acquisition Regulation (FAR) § 17.207(c)(3) requires the contracting agency to determine whether exercise of the option is the most advantageous method of fulfilling its needs. That determination may be made on the basis of a competitive solicitation issued to test the market. See FAR § 17.207(d)(1); JL Assocs., Inc., B-239790, Oct. 1, 1990, 90-2 CPD ¶ 261. Because the option price is a factor that the agency will consider in deciding whether to make an award under the solicitation, it generally is permissible for the agency to disclose the option price to offerors, as the Army did here at the pre-proposal conference, in order to ensure

competition on an equal basis. See JL Assocs., Inc., B-239790, supra; General Elec. Medical Sys., B-231342, Aug. 26, 1988, 88-2 CPD ¶ 185.

Although contracting information should not be disclosed where it is confidential or proprietary in nature, contract prices generally are available to the public, since the disclosure of prices charged the government ordinarily is a cost of doing business with the government. JL Assocs., Inc., B-239790, supra. Nothing in Grant's protest indicates that the option prices disclosed were proprietary or otherwise would have been unavailable to the public under the Freedom of Information Act. Grant's protest therefore is without merit.

The protest is dismissed.



John M. Melody
Assistant General Counsel