



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

Hasfurther
144526

Decision

Matter of: Plaza Home Maintenance
File: B-243859
Date: July 30, 1991

Felix Plaza, Jr., for the protester.
E. L. Harper, Department of Veterans Affairs, for the agency.
David Hasfurther, Esq., and Andrew T. Pogany, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

A small purchase contract will not be disturbed where after award the contracting agency discovers that the protester's lower quotation was misplaced and therefore not considered, since the agency's error has not been shown to be the result of a conscious or deliberate effort to exclude the protester from award consideration.

DECISION

Plaza Home Maintenance protests its failure to receive award in view of the low quotation of \$1,740 that it submitted under request for quotations (RFQ) No. PMH 607743, issued by the Department of Veterans Affairs, Waco, Texas, for the general repair and painting of a residential property. Plaza's quotation was not received by the contracting officer until after an award had been made. Plaza contends that the late receipt by the contracting officer was due to government mishandling.

We dismiss the protest. 4 C.F.R. § 21.3(m) (1991).

Written quotations were solicited for this small purchase procurement by the contracting officer's property management broker from four contractors, including Plaza, on March 30, 1991. By the April 12 scheduled start date for performance of the work, only two quotations had been received by the contracting officer--neither from Plaza. Award was made on

the low quotation of \$2,326, and work was begun on or shortly after April 12. Contract performance was completed on or before May 2.

The contracting officer states that he first became aware of Plaza's quotation on May 10 after Plaza protested to our Office. On this date, the contract officer reviewed the procurement file and discovered for the first time two quotations (from the two other contractors solicited--including Plaza) in addition to the two considered for award. Both of these quotations had been placed in the procurement file without first having been time/date stamped. It is not known how or when either quotation came to be placed in the procurement file.

Plaza states that its quotation was placed in a properly addressed envelope--the RFQ number and the deadline for the submission of quotations were properly identified on the envelope--and that envelope was submitted with two others in a larger envelope from Century 21 Casablanca, a real estate company owned and operated by the contracting officer's property management broker. This larger envelope was not marked or otherwise identified as containing a bid. The Century 21 envelope was received and time/date stamped in the agency mailroom on April 10 and was apparently misrouted. Plaza requests that it be awarded damages. Plaza also contends that the agency's internal procedures require it to obtain three "bids" before awarding a contract for this type of work and that the agency did not comply with this requirement.

Even if we assume that Plaza did submit a timely quotation and the agency simply misplaced it and failed to discover it until after award, the need for the orderly and expeditious fulfillment of an agency's small purchase requirements precludes our objecting to the award of a small purchase contract under those circumstances absent evidence of a conscious or deliberate effort by contracting personnel to prevent selection of that offeror. Smoke Busters, B-219458, Nov. 1, 1985, 85-2 CPD ¶ 501. No evidence has been presented to show the existence of such a conscious or deliberate effort.

Since we have found Plaza's protest to be without merit, we also deny its claim for damages. Id. Finally, we note that the general requirement is that at least three sources must be solicited, not that quotations from three sources must be received, in order to promote competition to the maximum

extent practicable. Federal Acquisition Regulation
§ 13.106(b)(5). Thus, the agency acted reasonably when it
solicited four prospective offerors.

The protest is dismissed.

for *Andrew T. Pogany*
Michael R. Golden
Assistant General Counsel