

Protest

DECISION



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

10,239

FILE: B-194485 DATE: May 22, 1979

MATTER OF: United Optical Company *DL 6701621*

DIGEST:

Where protester was inadvertently omitted from bidder's list and there is no showing that adequate competition and a reasonable price were not obtained, protest based on failure to receive solicitation is denied.

United Optical Company (United) ^{*ALC 0006*} protests the failure of the Veterans Administration to send it an invitation for bids for optical supplies. United requests that the bidding be reopened so that it may submit a bid.

United and the agency disagree as to the sequence of events in connection with this procurement. United contends that in January 1979 it requested and received from the agency copies of the Standard Form 129 (Bidders Mailing List Application) and that it completed and returned the forms to the Denver Office of the General Services Administration which was the address stamped on the forms. The agency contends that it received no calls from United until March 28, 1979, at which time it mailed the Standard Form 129 with the agency's address stamped thereon. The agency further states that it took all proper steps to assure competition including publication of the procurement in the Commerce Business Daily (CBD) on February 13, 1979, and that it had received four responsive bids at reasonable prices when the bids were opened on February 23, 1979.

Generally, the propriety of a particular procurement depends on whether adequate competition and a reasonable price were obtained and not upon whether every prospective bidder was afforded an opportunity to bid. 50 Comp. Gen. 565, 571 (1971). Generally,

*[Protest BASED ON FAILURE
TO RECEIVE SOLICITATION]*

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an inadvertent omission from the bidder's list does not provide a basis to cancel an invitation. 49 Comp. Gen. 707, 709 (1970).

Although there is a conflict in the factual presentations made by United and the agency, there has been no allegation or showing of a deliberate attempt to preclude United from participating in this procurement or that adequate competition and a reasonable price were not obtained. The publication in the CBD indicates that the failure to solicit United was not intentional.

This protest is denied.



Deputy Comptroller General
of the United States