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**DECISION**



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

FILE: B-167151

DATE: November 18, 1976

MATTER OF: Lake States Construction, Inc.

**DIGEST:**

Agency's failure to furnish prospective bidder with copy of invitation where all available copies had been distributed is not legally objectionable since agency is not required to prepare unlimited number of invitations, adequate competition and reasonable prices were obtained, and there is no evidence that agency sought to deliberately exclude bidder from competing.

Lake States Construction, Inc. (Lake States), protests against the award of any contract for the construction of an extension of a water main at K. I. Sawyer Air Force Base (Sawyer), Michigan, resulting from invitation for bids (IFB) No. F20613-76-09062. Lake States' protest stems from the fact that it was not solicited to compete for the referenced procurement.

The IFB was issued on July 8, 1976. Fourteen bid packages were mailed to firms on the bidders mailing list and six bid packages went to firms that made written requests for the IFB before July 23, 1976, when reportedly Lake States requested a copy. Lake States is on the bidders mailing list but the Air Force states that the bidders are rotated pursuant to Armed Services Procurement Regulation (ASPR) § 2-205.4(b) (1975 ed.), since past experience has indicated that 20 bid packages are adequate for the size of the project involved. The master list consists of 37 bidders. Four bids were received on July 28, 1976, in response to the IFB and award was subsequently made to Delta Contracting Company as the low responsive, responsible bidder.

Lake States contends that when it verbally requested a copy of the IFB on July 23, 1976, it was not informed that none was available. Lake States asserts that had it been told this other arrangements could have been made to prepare a bid.

With regard to Lake States' argument that it was not informed that IFB's were unavailable on July 23, 1976, the agency reports that

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it has no record of such a conversation. However, the agency reports that it routinely responds to such inquiries by advising that if a copy is available it will be sent. Further, the agency notes that Lake States is located nearby and could have come to the base and made the "other arrangements" when it did not receive a copy of the solicitation as it reportedly anticipated.

The requirement for maximum competition does not obligate the Government to prepare unlimited copies of invitations for prospective bidders. As we said in 50 Comp. Gen. 215, 219 (1970), "\* \* \* the requirement for maximum competition consistent with the nature of the procurement does not require the purchasing activity to solicit an excessive number of prospective contractors. Such a requirement would be costly and burdensome to the Government in the preparation, distribution, and evaluation of proposals." (See also Innocept, Incorporated, B-182193, December 24, 1974, 74-2 CPD 377.

The propriety of this procurement must be determined upon the basis of whether adequate competition and reasonable prices were obtained and whether there was a deliberate attempt to exclude a particular bidder from the competition, not whether every possible bidder was afforded an opportunity to compete. 50 Comp. Gen. 565, 571 (1971), 34 id. 684 (1955); Preen Building Maintenance Company, B-182914, April 10, 1975, 75-1 CPD 222. In the instant case four bids were received in response to the IFB, and we see nothing in the record which suggests that adequate competition and reasonable prices were not obtained or that the procuring activity deliberately attempted to exclude Lake States from competing. See Valley Construction Company, B-185684, April 19, 1976, 76-1 CPD 266.

Accordingly the protest is denied.

  
Deputy Comptroller General  
of the United States