

Protest of) Date: June 9, 1989
MOSER ENTERPRISES)
Under Solicitation NO. 608-24-89) P.S. Protest No. 89-31

DECISION

Moser Enterprises (Moser) timely protests the failure of the contracting officer at the Chicago Transportation Management Service Center to provide it with a copy of Solicitation No. 608-24-89 seeking bids for the highway transportation of mail between the South Suburban Facility and Joliet, IL. The solicitation, issued March 22, 1989, listed 258,276 estimated annual schedule miles and 9,038 estimated annual schedule hours for the route. Notice of the solicitation was published through the National Bidders List Sub-System (NBLSS) and 22 prospective bidders responded by requesting a solicitation package. Bid opening was held on April 25.

At the time of the solicitation, Moser was providing service on this route under an emergency contract. In its protest, Moser alleges that it did not receive proper notification of the solicitation for permanent service. Moser requests that bid closing be rescinded and that it be given an opportunity to bid on the solicitation for permanent service.

The contracting officer in his statement indicates that although a bid package inadvertently was not sent to Moser, Moser was notified of the solicitation through use of the NBLSS. The contracting officer included in his report a computer printout indicating that Moser was among the 1,068 contractors notified of the solicitation through inclusion in the NBLSS.^{1/}

On the record before us, we are unable to grant the protester any relief. Previous decisions of this office establish that in determining whether corrective action is necessary when an incumbent contractor is not directly mailed a solicitation the following factors are considered:

^{1/} Moser does not dispute the contracting officer on this point.

1. Whether adequate competition was obtained;
2. Whether the failure to comply with requirements intended to secure competition was inadvertent;
3. Whether the offers received were at a reasonable price.

Fumiye Ninomiya, P.S. Protest No. 88-74, November 22, 1988; Craig Pattison, P.S. Protest No. 87-115, December 29, 1987.

Here, the record indicates that adequate competition was obtained (22 requests for the solicitation package and 3 offers). See AHJ Transportation, Inc., P.S. Protest No. 89-18, May 4, 1989. The record does not indicate that the failure to send the solicitation to Moser was anything other than inadvertent nor is there any suggestion that the prices offered were unreasonable. In situations similar to this our previous decisions have denied relief. See, e.g. Fumiye Ninomiya, *supra*; Craig Pattison, *supra*.

Further, any prejudice to Moser resulting from the contracting officer's failure to advise the current contractor of the solicitation is mitigated by Moser's receipt of notification through use of the NBLSS. Cf. G&L Oxygen and Medical Supply Services, Comp. Gen. Dec. B-220368, 86-1 CPD &78, January 23, 1986.

The protest is denied.

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[checked against original JLS 5/21/93]