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**Comptroller General  
of the United States**

Washington, D.C. 20548

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## Decision

**Matter of:** Michael Ritschard

**File:** B-276820; B-276867

**Date:** July 28, 1997

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Michael Ritschard for the protester.

Gilbert H. Chong, Esq., Department of the Navy, for the agency.

Linda C. Glass, Esq., and Paul I. Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### **DIGEST**

Protest that contracting agency improperly refused to solicit a potential source for micro-purchases is denied where agency conducted the acquisitions at issue in accordance with micro-purchase procedures.

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### **DECISION**

Michael Ritschard protests his alleged exclusion as a potential source for consideration for purchase orders Nos. N68047-97-M-0275 (0275) and N68047-97-M-0304 (0304) issued by the Department of the Navy Regional Contracting Center in Singapore for computer services.

We deny the protests.

The value of each of the acquisitions at issue was under the micro-purchase threshold of \$2,500, and both were conducted under simplified acquisition procedures for micro-purchases set forth in part 13 of the Federal Acquisition Regulation. Purchase order No. 0275 was for debugging Windows 95 and system configuration on five computers; purchase order No. 0304 was for furnishing a new computer casing and installing government furnished parts into the casing. In each instance, the contracting officer contacted two firms and both firms submitted quotes. On April 11, purchase order No. 0275 was issued to ADA Systems House for \$600, and on April 25, purchase order No. 0304 was issued to BusinessIt Pte. Ltd. for \$309. On April 22 and April 28, these protests were filed with our Office. The protester contends that he was not permitted to submit a quotation for either acquisition and is being wrongfully excluded from competing for micro-purchases of computer services by the contracting activity.

Because the value of these purchases did not exceed the micro-purchase threshold of \$2,500, the agency properly was entitled to acquire the services without obtaining competitive quotations by section 4301 of the Federal Acquisition Streamlining Act of 1994, 41 U.S.C. § 428(d) (1994), which states: "A purchase not greater than \$2,500 may be made without obtaining competitive quotations, if the contracting officer determines that the price for the purchase is reasonable."

The contracting officer states that he first became aware of the protester's interest as a potential source for the computer services upon receipt of the protester's April 3 request to be placed on a source list. The contracting officer further states that he was aware of at least five sources for the small computer debugging and repair work and, in accordance with the regulations concerning micro-purchases, in each instance he sought quotes from only two sources and issued a purchase order to the low quoter after having determined that the price was reasonable. In addition, the contracting officer notes that he will consider the protester as a possible source for future such micro-purchases, pointing out that, because of the number of available sources, the protester will not always be solicited.<sup>1</sup> Under the circumstances, rather than reflecting that the agency improperly excluded the protester from competing, the record establishes that the agency complied with applicable micro-purchases regulations and that the protester will be given appropriate consideration for future micro-purchases.

The protests are denied.

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<sup>1</sup>The agency points out that the protester may be determined ineligible to compete because of a possible conflict of interest. The protester's spouse is the agency's financial manager and through her responsibility for certifying the availability of funds has knowledge of procurement sensitive information. While the question of whether the agency could properly eliminate the protester from consideration because of the appearance of a conflict of interest is not before us, we note, as a general matter, that the responsibility for determining whether a firm should be excluded from competition in order to avoid actual or apparent favoritism or preferential treatment rests primarily with the contracting agency. Revet Env't & Analytical Lab., Inc., B-221002.2, B-221003.2, July 24, 1986, 86-2 CPD ¶ 102 at 3.