

DECISION

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

when
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FILE: B-211799

DATE: August 30, 1983

MATTER OF: DWS, Inc.

DIGEST:

Cancellation of IFB after bid opening is not unreasonable where IFB failed to include mandatory Defense Acquisition Regulation clauses.

DWS, Inc. (DWS), protests the cancellation after bid opening of invitation for bids (IFB) No. DAKF01-83-B-0016 by the Army and the resolicitation of the Army's requirement under IFB No. DAKF01-83-B-0026. DWS contends that the contracting officer did not have a legitimate basis for the conclusion that an ambiguity in IFB-0016 precluded an accurate evaluation of bids. The Army disputes the protester's contention and argues further that IFB-0016 was defective since it failed to contain certain clauses required by the Defense Acquisition Regulation (DAR).

We deny the protest.

We note at the outset that the protester, contrary to the Army's contention, is an interested party since it is possible that it would be in line for award if its protest were upheld. See Pluribus Products, Inc., B-210444, March 7, 1983, 83-1 CPD 226.

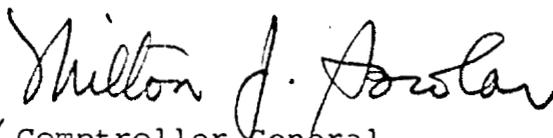
The cancellation of an IFB after bid opening is not unreasonable where the IFB failed to include mandatory Federal specifications and the specifications as set forth were otherwise inadequate, ambiguous, or deficient. Central Mechanical, Inc., B-206030, February 4, 1982, 82-1 CPD 91; Metropolitan Ambulance Service, B-184304, January 14, 1976, 76-1 CPD 23.

The contract to be awarded under IFB-0016 is a requirements-type contract. DAR §§ 7-1102.2 and 7-1102.1(a) (1976 ed.) require a solicitation for a requirements-type contract to include express provisions pertaining to delivery order limitations and the performance of services. IFB-0016 did not contain these provisions or substantially

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similar provisions. Under these circumstances, resolicitation of the requirement to include the mandatory clauses, as well as to set forth any additional requirements which were not previously set forth in IFB-0016, is reasonable and, therefore, not subject to objection by our Office. See Metropolitan Ambulance Service, supra. In view of the foregoing, we need not address the question whether IFB-0016 contained an ambiguity justifying cancellation.

Protest denied.


for Comptroller General
of the United States