

DECISION

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

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FILE: B-215281.2**DATE:** August 21, 1984**MATTER OF:** Turbine Engine Services Corp.**DIGEST:**

A compelling reason exists to cancel a defective invitation where award under it would not necessarily meet the agency's needs and would not be fair to other bidders.

Turbine Engine Services Corp. protests the Coast Guard's cancellation of invitation for bids (IFB) No. DTCG40-84-B-0173. We deny the protest.

The IFB was issued on April 5, 1984 for the repair of turbine engines. Turbine protested this issuance by letter to our Office dated May 17, on the basis that the solicitation was inadequate, ambiguous, contained numerous contradictions and was otherwise deficient in setting forth the necessary specifications. We dismissed the protest as untimely because it was received after bid opening. Protests alleging improprieties in a solicitation that are apparent prior to bid opening must be filed before that date. 4 C.F.R. § 21.2(b)(1) (1984).

Following the bid opening, however, the contracting officer for the Coast Guard canceled the solicitation under the authority of Federal Acquisition Regulation (FAR), § 14.404-1(c)(1), 48 Fed. Reg. 42,179 (1983) (to be codified at 48 C.F.R. 14.404-1(c)(1)), after independently determining that the invitation's specifications were inadequate and ambiguous. Turbine now protests the cancellation of the invitation, arguing that notwithstanding the solicitation deficiencies award to Turbine actually would meet the Coast Guard's needs.

Contracting officers have broad authority to reject all bids and cancel a solicitation. However, because of the adverse effect cancellation can have on the competitive bidding system a compelling reason must exist to warrant cancellation after bid opening. FAR, § 14.404-1, 48 Fed. Reg. 42,179; Engineering Research Inc., 56 Comp. Gen. 364 (1977), 77-1 CPD ¶ 106. The fact that an invitation is in

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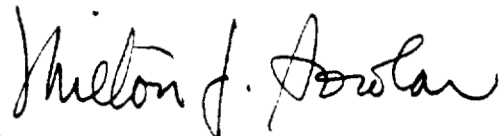
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some ways deficient does not, of itself, constitute a compelling reason to cancel, if other bidders would not be prejudiced by an award under the solicitation and award would serve the government's actual needs. Dyneteria, Incorporated; Tecom, Incorporated, B-210684, B-210684.2, Dec. 21, 1983, 84-1 CPD ¶ 10.

We do not believe award would be appropriate here. In its initial (untimely) protest, Turbine argued that the solicitation was deficient on numerous points, so that there was no assurance that award would result in a contract for an acceptable item or that compliance with the bid evaluation formula would disclose the most advantageous bid price. Therefore, by the protester's own admission (which the Coast Guard apparently shares), firms that bid under this invitation calculated their bid prices against specifications that did not reflect the Coast Guard's needs, and in response to a defective evaluation formula. The fact that Turbine believes it knew enough about those needs to respond based on an appropriate item anyway neither assures the acceptability of the firm's item nor establishes that award to Turbine would be fair to the other bidders. We therefore will not object to the Coast Guard's decision to cancel.

The protest is denied.



Acting Comptroller General
of the United States