

DECISION

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

FILE: B-216811

DATE: February 8, 1985

MATTER OF: Hemford Company

HA700182

DIGEST:

Agency decision to resolicit requirement after termination of a contract due to procurement irregularities, rather than to reopen negotiations with original offerors, is reasonable in light of agency's unrefuted need to change specification and evaluation criteria.

Hemford Company (Hemford) protests award of a contract to Lees-Haley Associates under request for proposals (RFP) No. DAAH03-84-R-F062, issued by the Department of the Army for chapel support services at Redstone Arsenal, Alabama.

After discussions, the Army determined the Hemford proposal to be technically unacceptable. No further negotiations were conducted with Hemford.

As a result of Hemford's protest, the Army terminated the Lees-Haley contract for the convenience of the government in view of inconsistent application of the evaluation criteria. Interim supports services are being procured from Lees-Haley on a month-to-month basis, apparently under an extension of its prior contract, pending resolicitation of the requirement.

Hemford argues that the Army should reopen the original RFP rather than resolicit. The Army reports that it plans to revise the specification and the evaluation criteria to avoid the ambiguities which led to the irregularities in the first procurement. Hemford does not refute the Army's position in this regard.

Cancellation of a negotiated procurement and resolicitation requires only a reasonable basis. We conclude that the length of time that has passed since

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the award, the later termination of the contract under the original RFP, and the need to revise the specification and the evaluation criteria are sufficient to support the Army's decision to resolicit. See Anvan Realty & Management Co., B-214295, May 22, 1984, 84-1 C.P.D. ¶ 548. However, we expect that the agency will take steps to resolicit as soon as possible since the terminated contractor is continuing to perform the services.

The protest is denied.

for Seymour Efron
Comptroller General
of the United States