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DECISION



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

FILE: B-220929.2, B-220930.2 **DATE:** January 24, 1986

MATTER OF: Auchter Industries

DIGEST:

Protest against cancellation of solicitation is denied where agency no longer requires the solicited item.

Auchter Industries protests the cancellation of requests for quotations (RFQ) Nos. F61517-85-T-7686 and F61517-85-T-7796, issued by the Air Force to procure carpet for Bitburg Air Force Base, Germany.

We deny the protest.

The RFQs, issued on September 14 and 19, 1985, requested offers to supply carpet that complied with Air Force Carpet Standard II. After receiving and evaluating quotations, the Air Force issued a purchase order under each RFQ to Daedelow Helfried. On October 25, Auchter protested that the awards to Daedelow were improper because Daedelow's carpet did not comply with Standard II. These protests (B-220929, B-220930) were dismissed as academic when the Air Force informed this Office that it was canceling the purchase orders. The Air Force explained that while it did not believe Auchter's protests had merit, as a result of the time delays associated with the protests, the required delivery dates could not be met.

Auchter now protests the Air Force's decision to cancel the RFQs, asserting that the Air Force only canceled them to render Auchter's protests moot. In response, the Air Force basically reiterates the reason it canceled and also reports that it no longer requires the carpet and does not plan to resolicit.

Auchter, however, argues that the reasons given by the Air Force to justify canceling the RFQs are insufficient and inconsistent. The firm further asserts that since the Air Force did not specifically cancel the RFQs because it no longer needed the carpet, it may not now use this reason to justify the cancellations. Auchter restates its belief that

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the Air Force only canceled the RFQs to defeat Auchter's protests.

Cancellation of a solicitation is proper where the procuring agency no longer needs the supplies or services. Aviation Enterprises Inc., B-215662.3, Oct. 29, 1984, 84-2 C.P.D. ¶ 472; Northpoint Investors, B-209816, May 17, 1983, 83-1 C.P.D. ¶ 523. The fact is that the Air Force asserts that it no longer requires the carpet, and Auchter has submitted no proof to demonstrate otherwise. Further, insofar as Auchter argues that the Air Force may not use a lack of need to justify the cancellations because that was not the original reason for canceling, we have held that an agency properly may justify a cancellation on a subsequently enunciated basis if that basis would have supported the action had it been raised initially. John C. Kohler, B-218133, Apr. 22, 1985, 85-1 C.P.D. ¶ 460.

The protest is denied.

for Seymour E. Egan
Harry R. Van Cleve
General Counsel