

136374



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Discount Machinery and Equipment, Inc.

File: B-231067.2

Date: July 18, 1988

DIGEST

Cancellation of solicitation is proper where procuring agency determines it no longer requires the solicited item.

DECISION

Discount Machinery and Equipment, Inc. protests the cancellation of request for quotations (RFQ) No. DLA400-88-Q-S477, which the Defense General Supply Center (DGSC) had issued for 21 drill grinding machines.

We deny the protest.

The RFQ was issued on December 4, 1987. Previously, on November 3, 1987, DGSC had also issued a request for proposals for 56 drill grinding machines, using the same acquisition item description and identifying number as the RFQ. Discount responded to both solicitations, submitting a proposal and price quotation for the machines. When the agency recognized that it had two separate ongoing solicitations for the same item, it reviewed its supply position and determined that the 56 drill grinding machines to be supplied under the RFP would meet all of its needs. Accordingly, DGSC canceled the RFQ and this protest followed.

Discount contends that "the government is taking the easy way out" and that the cancellation is unfair. Discount also suggests that the government's needs "changed directly after [Discount filed a] protest on another contract for the same items."

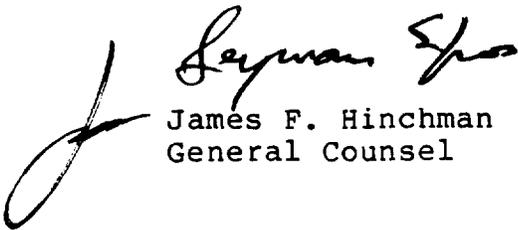
Cancellation of a solicitation is proper where the procuring agency no longer needs the supplies or services. Auchter Industries, B-220929.2, B-220930.2, Jan. 24, 1986, 86-1 CPD ¶ 86. Here, DGSC asserts that it no longer needs the drill grinding machines, and Discount has submitted no proof to

C-42754

demonstrate otherwise. We therefore have no basis for objecting to the agency's cancellation of the solicitation.

Regarding Discount's allegation that the cancellation was in response to a protest filed by Discount and therefore constituted bad faith on DGSC's part, we find no evidence to support this contention. In order to show bad faith, a protester must submit essentially irrefutable proof that the contracting agency directed its actions with the specific and malicious intent to injure the protester. American Management Co.--Request for Reconsideration, B-228280.2, Mar. 7, 1988, 88-1 CPD ¶ 242. Discount has not done so.

The protest is denied.



James F. Hinchman
General Counsel