



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sioux Falls Shopping News

File: B-236421.3

Date: November 22, 1989

DIGEST

Protest of a solicitation, which is based not on defects in that solicitation but rather on the cancellations of two prior solicitations, will not be considered since a similar protest against the two cancellations was dismissed previously due to the protester's failure to comply with procedural requirements of the General Accounting Office's Bid Protest Regulations.

DECISION

Sioux Falls Shopping News protests the Government Printing Office's (GPO) action in twice canceling and twice resoliciting its requirements for printing of Internal Revenue Service (IRS) pamphlets under Jacket No. 245-157. Sioux Falls argues that GPO did not have the proper grounds for the cancellation and requests that it be awarded the contract as the low bidder under the solicitation as originally issued.

We dismiss the protest.

The original solicitation was issued on June 6, 1989. Bids were opened on June 26. Sioux Falls was the low bidder. The solicitation was subsequently canceled after the IRS increased the number of pages in the pamphlet from 52 to 56, changed the packing specifications, and eliminated the contractor's option to use writing or offset book papers in lieu of newsprint. A revised solicitation was issued on July 5. Bids were opened on July 26, and Sioux Falls was again the low bidder. On August 1, this solicitation was also canceled because it did not contain certain required bidder certifications and a clause outlining the government's remedies for violations of the procurement integrity provisions of the Office of Federal Procurement Policy Act

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Amendments of 1988, Pub. L. No. 100-679, 102 Stat. 4055, 4063. A solicitation was again issued on October 10, and bids were opened on October 23.

On August 3, Sioux Falls protested the two cancellations and the first resolicitation on the basis that neither cancellation was properly justified. The protester requested that the award be made to it on the basis of the price it submitted on the first resolicitation. We dismissed the protest because Sioux Falls did not file written comments on the agency's report within 10 working days of the receipt of the report. Bid Protest Regulations, 4 C.F.R. § 21.3(k) (1989). We affirmed our dismissal by decision Sioux Falls Shopping News--Request for Reconsideration, B-236421.2, Oct. 30, 1989, 89-2 CPD ¶ _____. On October 23, Sioux Falls protested the issuance of the third solicitation and any award made under that solicitation on the grounds that the previous cancellations were improper.

We will not consider this protest. Although the protest is directed toward a current solicitation, the protester does not identify any defect in the solicitation. The only objection it raises is the allegedly improper cancellation of the two prior solicitations. Its protest of that matter, however, was previously dismissed because of the protester's failure to comply with the procedural requirements of the Bid Protest Regulations. We think it would be inconsistent with the purpose of the Regulations--to provide for expeditious resolution of protests so as to avoid unnecessary disruption of the government's procurement process--to allow the protester at this point to in effect reinstate its earlier protest that, had the protester adhered to regulatory requirements, would have been resolved by now.

Accordingly, the protest is dismissed.


Ronald Berger
Associate General Counsel