



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Di Frances Company

**File:** B-245492

**Date:** October 9, 1991

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Harvey M. Humphrey for the protester,  
Ronald M. Pettit, Esq., Defense Logistics Agency, for the  
agency.  
David Hasfurther, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

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### DIGEST

Agency reasonably determined to amend rather than cancel request for proposals after receipt of initial proposals where decreased agency requirement is de minimis in nature.

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### DECISION

Di Frances Company protests the decision of the Defense Construction Supply Center (DCSC), Defense Logistics Agency, not to allow the firm to submit an offer after the initial closing date under request for proposals (RFP) No. DLA750-91-R-1586. Di Frances argues a decrease in the quantity solicited warranted resolicitation.

We dismiss the protest.

The RFP, issued on May 22, 1991, requested that offers based on supplying 526 assemblies be submitted by June 21. On June 19, the quantity was increased to 620 assemblies by an amendment to the RFP, and the closing date for the receipt of proposals was extended to July 12. After the July 12 closing date and the receipt of proposals, DCSC determined that it actually only required 583 assemblies. Only firms that had submitted initial proposals were permitted to submit prices based on this decreased requirement.

Di Frances objects to DCSC's failure to allow Di Frances, which apparently was originally solicited, but declined to submit an offer, to now submit an offer in response to the changed requirements. Di Frances asserts that the agency had not evaluated proposals and submission of an offer by Di Frances would not have prejudiced other offerors.

The Federal Acquisition Regulation (FAR) § 15.606(b)(2) provides that where an agency discovers the need to amend a solicitation after receipt of proposals but before evaluation thereof, the amendment should only be provided to those firms who have responded to the RFP. That same section of the FAR at § 15.606(b)(4) further provides that where the change is so substantial that it warrants complete revision of the RFP, the solicitation should be canceled and reissued, regardless of the stage of the acquisition.

A decrease of only 5.9 percent in the agency's requirement is not so substantial a change as to require complete revision of the RFP. In this connection, we note that an agency need only provide a reasonable basis for its decision as to whether cancellation or amendment of an RFP is appropriate, Goodway Graphics of Virginia, Inc., B-236386, Nov. 22, 1989, 89-2 CPD ¶ 491. The fact that the change here was de minimis in nature constitutes a reasonable basis for simply amending the original solicitation and limiting the issuance of the amendment to those firms that had submitted a proposal. Id.

Di Frances suggests that because the contracting officer knew of the change 4 working days after the closing date, he must also have known of it prior to the closing date. Di Frances thus contends that the change should be considered to have occurred prior to the closing date and under FAR § 15.606(b)(1), an amendment should have been sent to all firms that received a solicitation. Di Frances' record of the events support only the view that the change in requirements occurred after closing. Its argument that the contracting officer might have known earlier is entirely speculative. Di Frances also has not explained how the agency's actions prevented it from submitting a timely offer initially.

The protest is dismissed.

  
Michael R. Golden  
Assistant General Counsel