



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Microform Inc.--Reconsideration

File: B-246253.2

Date: March 31, 1992

James P. Ruocchio, Jr., for the protester.
Kerry L. Miller, Esq., United States Government Printing Office, for the agency.
David Hasfurther, Esq., Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

The Government Printing Office properly canceled a solicitation for microfiche where the Committee for Purchase from the Blind and Other Severely Handicapped, pursuant to the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 46-48c (1988), designated the microfiche covered by the solicitation for procurement from workshops selected by the Committee since, under the Act, agencies must obtain such designated commodities from the workshop.

DECISION

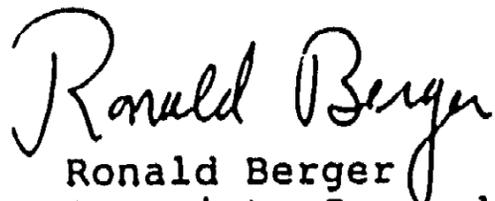
Microform Inc. requests reconsideration of our decision in Microform Inc., B-246253, Nov. 13, 1991, 91-2 CPD ¶ 460. In that decision, we dismissed Microform's protest of the Government Printing Office's decision to cancel solicitation No. C151-S and to set aside the microfiche requirements that would have been obtained under the solicitation for procurement from the workshop designated by the Committee for Purchase from the Blind and Other Severely Handicapped (Committee). We found that because the Committee's decision, pursuant to its authority under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 46-48c (1988), that these requirements should be acquired from qualified workshops was not subject to question by the contracting agency or to review by our Office, Microform had not stated a valid basis of protest.

Microform argues that the agency and our Office did not respond to the basis of its protest. Microform does not disagree in principle with the proposition that a contracting agency must comply with the Committee's decision to require that the item be purchased from workshops for blind

or severely handicapped individuals. However, it argues that where a solicitation has been issued by an agency prior to the Committee's decision, the solicitation may not be canceled, and the Committee's decision should apply only to future needs. By analogy, it refers to 13 C.F.R. § 124.309(a) (1991), which states that once a solicitation has been issued as a small business set-aside, it may not be canceled to permit an award under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1988), except under limited circumstances.

Microform has not established that our dismissal was based on an error of fact or law, and thus no basis for the reversal of our dismissal has been shown. Wackenhut Int'l, Inc.--Recon., B-241594.2, May 21, 1991, 91-1 CPD ¶ 493. The requirement found in 13 C.F.R. § 124.309(a) applies to small business set-asides and the 8(a) program and reflects the policy of the Small Business Administration with respect to when it will agree to accept a procurement for the section 8(a) program; it has no application to acquisitions under the Javits-Wagner-O'Day Act. Microform has cited no law or regulation applicable to the acquisition here which supports its position that the solicitation improperly was canceled. Microform has, consequently, provided no basis for the reversal of our dismissal.

We affirm our dismissal.



Ronald Berger
Associate General Counsel