

Must further
149327



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

Decision

Matter of: Armed Forces Sports Officials, Inc.--
Reconsideration

File: B-251409.2

Date: May 24, 1993

DIGEST

Request for reconsideration of a decision denying a protest against the cancellation of a solicitation where all the bid prices received exceeded the amount of money the agency had available for the procurement is denied since the protester has not shown that the decision was based on an error of fact or law.

DECISION

Armed Forces Sports Officials, Inc. (AFSO) requests us to reconsider our decision in Armed Forces Sports Officials, Inc., B-251409, Mar. 23, 1993, 93-1 CPD ¶ _____. In that decision, we held that an invitation for bids (IFB) for sports officiating services had been properly canceled since all the bid prices received had exceeded the amount of money the agency had available for the procurement.

We deny the request for reconsideration since AFSO has not shown that our decision was based on an error of fact or law.

First, AFSO continues to argue that its bid price was improperly found to be unreasonable and that it should, therefore, have received the award because it submitted the low, responsive bid. This contention was addressed in our prior decision. While we did not reach the issue of whether or not the contracting officer reasonably rejected AFSO's bid as unreasonable, we upheld the agency's cancellation because the record showed that the agency had insufficient funds to award the contract based on the prices bid. We specifically concluded that an agency's right to cancel a solicitation when sufficient funds are not available is not affected by disputes concerning the validity of the government estimate or the reasonableness of the low responsive bid price. Thus, whether the contracting officer properly found AFSO's price unreasonable had no bearing on our decision that the invitation could be canceled for lack of funding.

Second, AFSO points out that although the contracting officer reported his intent to cancel the IFB, the IFB ultimately was converted into a request for proposals. The protester argues that no circumstances existed to permit the agency to make award prior to a resolution of AFSO's protest with our Office. The agency reports that no award was made under the current acquisition while AFSO's protest was pending. The agency states that while the protest was pending, the agency exercised an option to extend services under the incumbent, D'Iberville's, existing contract. After our decision was issued on March 23, 1993, services required to be performed during the period of April 1 to April 30 were obtained from D'Iberville by purchase order. We also note that the total value of these services was \$27,235.50. Subsequently, an award was made to D'Iberville under the negotiated procurement for the period of May 1 through September 30 at a total price of \$29,180. Thus, the aggregate award amount for these services (\$56,415.50) did not exceed the amount of funds (\$59,397) originally available for this procurement.

We deny the request for reconsideration.



for James F. Hinchman
General Counsel