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**Comptroller General
of the United States**

**United States General Accounting Office
Washington, DC 20548**

Decision

Matter of: Surgi-Textile

File: B-289370

Date: February 7, 2002

Dave Dyar for the protester.

Michael K. Cameron, Esq., Immigration and Naturalization Service, for the agency. Jacqueline Maeder, Esq., and John M. Melody, Esq., Office of General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Cancellation of request for quotations for detainee uniforms was reasonable where solicitation did not contain adequate specifications to provide potential vendors a common basis upon which to compete, or set forth the agency's actual needs.

DECISION

Surgi-Textile protests the post-award cancellation of request for quotations (RFQ) No. ACB-2-Q-0023, issued by the Department of Justice, Immigration and Naturalization Service (INS), for uniforms for detainees housed at the Krome Detention Center, Miami, Florida. The agency canceled the RFQ and Surgi-Textile's purchase order after determining that the specifications were deficient.

We deny the protest.

The RFQ, issued November 9, 2001, requested quotations for new, commercial detainee uniforms "to comply with detention standards for [INS] detainees housed at Krome . . .," but did not set forth detailed fabric specifications. RFQ at 1. The agency received 20 quotations by the November 15 due date. Surgi-Textile submitted the low-priced quote and the agency issued a purchase order to the protester on November 20. Shortly thereafter, however, the contracting officer discovered that some vendors had quoted prices for 4.5-ounce fabric, while others priced 7.5-ounce fabric. Agency Report (AR) at 2. Because the quotations were not based on the same fabric weight, the agency canceled Surgi-Textile's purchase order. Following award, and then cancellation, of a second purchase order to another vendor, the contracting officer canceled the solicitation on the basis that the specifications did

not adequately define the requirement. AR, Contracting Officer's Statement at 1. Specifically, while the RFQ referred to INS "detention standards," it did not specify these standards, for example, fabric thickness or grade, stitching requirements, colorfast properties, style or sleeve length. The agency has undertaken a reevaluation of its needs. AR attach. 4, at 1.

Surgi-Textile argues that the cancellation was improper because the government routinely procures commercial items without providing detailed specifications, and it quoted a commercial item that met the standards specified in the RFQ.

A contracting agency need only establish a reasonable basis to support a decision to cancel an RFQ. USA Elecs., B-283269.2, Oct. 5, 1999, 99-2 CPD ¶ 67 at 3. A reasonable basis exists where the RFQ fails to provide sufficient detail to allow vendors to compete intelligently and on a relatively equal basis, or to adequately describe the agency's minimum needs. See American Overseas Book Co., Inc., B-276675, July 10, 1997, 97-2 CPD ¶ 12 at 2. Where this is the case, the RFQ should be revised and new quotes solicited to ensure that all firms are afforded an equal opportunity to compete based on the same set of requirements. Id.

INS's decision to cancel and resolicit was reasonable, because the solicitation did not provide vendors with a common basis upon which to compete. Specifically, the RFQ provided no information on various vital fabric characteristics, including fabric weight, and different vendors interpreted "detention standards" differently, such that the prices received did not provide a valid basis for determining which quotation would allow the agency to meet its needs at the lowest price. Further, the record indicates that, while the agency reportedly is reassessing its needs, it has determined that the 4.5-ounce fabric on which Surgi-Textile's price was based does not meet its needs. In this regard, the contracting officer states that he has forwarded samples of the protester's fabric to Krome, and that the facility has indicated that the fabric "is not of a weight consistent with, and suitable for, use in detainee uniforms. . . . The INS requires a fabric that is much more durable and has a longer life cycle, and is currently rewriting its requirement." AR at 2. Under these circumstances, the agency properly canceled the RFQ in favor of a new competition based on an accurate statement of its needs.

Surgi-Textile claims that the agency had every opportunity to fix the RFQ prior to the quotation due date, when it asked agency personnel for the "particulars" of the product. However, a procuring agency's failure to correct a solicitation deficiency before disclosure of prices and issuance of a purchase order does not preclude it from subsequently canceling the solicitation to correct the defect. American Overseas Book Co., Inc., supra, at 3.

The protest is denied.

Anthony H. Gamboa
General Counsel