

Carter
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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

[Protest of National Park Service Cancellation of IFB] ¹⁵²⁰⁶

FILE: B-198863

DATE: October 17, 1980

MATTER OF: Champion Structure Company

DIGEST:

DLG 05362

Cancellation of invitation for bids after bid opening is proper where inconsistent provisions in solicitation would have made contract impossible to perform. Contract may not be awarded with intent to issue immediate change. Allegations of political pressure are irrelevant where substantial justification exists for determination of compelling reason to cancel solicitation.

The Champion Structure Company (Champion) protests the cancellation and reissuance by the National Park Service of an invitation for bids for the improvement of a sewage disposal system in the Great Smoky Mountains National Park.

The protest is without merit.

The five bids received in response to the initial solicitation were opened on March 25, 1980. Sometime after bid opening, it was discovered that two provisions of the solicitation were in conflict in such a way that the contract would be impossible to perform if it were awarded as bid. One section of the solicitation required completion of all work within 150 days; another section prohibited all work in a specified area between April 16 and November 1, 1980. The National Park Service decided to cancel the procurement, correct the problems in the specifications and readvertise.

Champion contends that various provisions in the solicitation would have permitted the contractor and the National Park Service to work out such a minor matter as a time extension and that, therefore, the

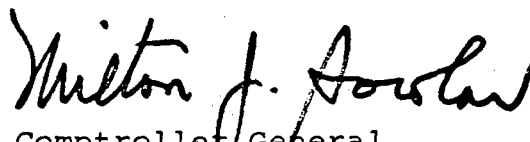
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contract should have been awarded as originally bid rather than canceled. Champion also contends that the cancellation was the result of a congressional inquiry rather than for the reasons the Park Service claims. We think the cancellation was proper.

We recognize that the rejection of bids after opening tends to discourage competition. Nonetheless, we believe it reasonable for a contracting officer to conclude that a cogent and compelling reason for the cancellation of a solicitation exists where award would result in a contract impossible to perform. Keco Industries, Inc., B-191856, April 5, 1979, 79-1 CPD 234. And it is axiomatic that the contract awarded must be the contract to be performed and that a contract may not be awarded with an immediate change in mind. E. R. Hitchcock & Associates, B-182650, March 5, 1975, 75-1 CPD 133; A & J Manufacturing Co., 53 Comp. Gen. 838 (1974), 74-1 CPD 240. Consequently, we believe the cancellation of the solicitation was proper. Furthermore, since a substantial basis existed for the cancellation of the solicitation, we believe that Champion's allegations of political pressure are irrelevant.

The protest is denied.



For the Comptroller General
of the United States