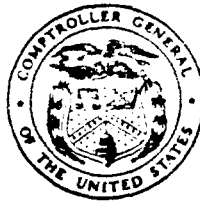


DECISION



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

FILE: B-208648, B-208648.2

DATE: November 8, 1982

MATTER OF: Master Painting Contractors; Moniaros
Contracting Corporation

DIGEST:

Protest regarding propriety of allowing correction of mistake in bid under a solicitation which was canceled because funds are no longer available is dismissed as academic.

Moniaros Contracting Corporation (Moniaros) and Master Painting Contractors (Master) protest any award of a contract by the Department of the Army, New Cumberland Army Depot (Army), to the apparent low bidder, Flynn Construction (Flynn), under invitation for bids (IFB) No. DAAG36-82-B-0052.

At bid opening, Flynn was permitted to modify its low bid of \$54,014 upward to \$65,814 on the grounds that its initial bid contained a mistake. Moniaros, which initially bid \$81,500, had its bid reduced to \$75,500 based on a reduction in a mailgram mailed prior to bid opening. Moniaros' modification displaced Master, which bid \$77,700. Moniaros protests Flynn's bid on the grounds that it is impossible to prove a mistake. Master protests the bids of both Flynn and Moniaros.

The protests are dismissed as academic.

The Army has advised us that the solicitation was canceled on October 1, 1982, due to a lack of funds. Our Office has held that a contracting agency may properly cancel an IFB after bid opening where the agency determines that sufficient funds are not available to make award. Allstate Flooring Company, Inc., B-205661.2, October 15, 1982, 82-2 CPD ____; Genco Tool and Engineering Co., B-204582, March 1, 1982, 82-1 CPD 175. As a result of the

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cancellation, the protests are academic and will not be considered on the merits. See Dudley Roofing Co., B-205277, December 10, 1981, 81-2 CPD 458; Freund Precision, Inc., B-201013, February 9, 1981, 81-1 CPD 79; United Security, Inc., B-194867, June 21, 1979, 79-1 CPD 445.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel