

**DECISION**

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

29904

**FILE:** B-215662.4**DATE:** December 3, 1984**MATTER OF:** Aviation Enterprises, Inc.--Reconsideration**DIGEST:**

1. Agency's decision to cancel RFP was proper where agency determined that the specifications in the RFP overstated its minimum needs.
2. GAO will not consider a protest against the specifications of a future procurement.

Aviation Enterprises, Inc. (Aviation), requests that we reconsider our decision in Aviation Enterprises, Inc., B-215662.3, Oct. 29, 1984, 84-2 C.P.D. \_\_\_, in which we dismissed Aviation's protest against the Air Force's cancellation of request for proposals (RFP) No. F04735-84-R-0004 issued to lease aircraft.

Our decision noted that the Air Force gave two conflicting reasons why it canceled the RFP--that the specifications were restrictive and that the Air Force no longer had a need to lease aircraft. We dismissed Aviation's protest on the basis that an agency may properly cancel a solicitation when it finds that it does not need the requested item.

In its request for reconsideration, Aviation has supplied information which demonstrates that the Air Force still has a need to lease aircraft and intends in the future to issue an RFP to meet this need. The Air Force has informally confirmed this information and has reasserted its position that the specifications in the canceled RFP are restrictive. Since procuring agency's are required to cancel solicitations which contain specifications that overstate the agency's minimum needs, our conclusion that the agency properly canceled the RFP is affirmed. Jarrett S. Blankenship Co., B-211582, Oct. 31, 1983, 83-2 C.P.D. ¶ 516.

Insofar as Aviation states that, in response to Aviation's request, the Air Force was unable to state what its minimum needs are, we presume that the Air Force is revising its requirements and that these needs will be specified when the future solicitation for the aircraft is issued.

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Finally, Aviation alleges that the Air Force canceled the RFP to accommodate the Gates Learjet aircraft and a new solicitation will result in a sole source-contract for Gates Learjet. This protest basis concerns a future procurement and will not be considered at this time. Our Bid Protest Procedures are reserved for determinations whether an award or proposed award complies with statutory, regulatory and other legal requirements and we will dismiss as premature a protest which challenges the possibility of a future sole-source award. Browning Ferris Industries, B-209234, Mar. 29, 1983, 83-1 C.P.D. ¶ 323. Aviation may protest against specifications in a new solicitation when it is issued.

Our prior decision is affirmed.

*for*   
Comptroller General  
of the United States