

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

Decision

Matter of: Techno Engineering & Construction, Ltd.
File: B-243814; B-243815
Date: May 13, 1991

Michael A. Georgopapadakos for the protester.
Catherine M. Evans, Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

1. Where protest of cancellation of solicitation after bid opening does not allege any reason why cancellation was improper, protest is dismissed for failure to state a legally sufficient basis.
2. Where protest is dismissed for failure to state a legally sufficient basis, protester is not entitled to recover bid preparation or protest costs.

DECISION

Techno Engineering & Construction, Ltd. protests the cancellations of invitation for bids (IFB) Nos. N62471-89-B-1341 and N62471-89-B-1343, issued by the Department of the Navy for construction work at the Ford Island Naval Station, Pearl Harbor, Hawaii.

We dismiss the protests.

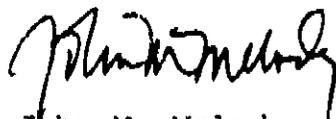
Our Bid Protest Regulations provide that a protest shall include a detailed statement of the legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4) (1991), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). This requirement contemplates that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood of the protester's claim of improper agency action. Basic Supply Co., Inc., B-241683, Oct. 31, 1990, 90-2 CPD ¶ 362.

Techno's protests state only that the Navy canceled the IFBs after bid opening because of a change in the agency's mission. An agency may cancel an IFB after bid opening if it has a compelling reason to do so--for example, a change in the government's requirements. See Federal Acquisition Regulation § 14.404-1(a)(1); Pneumatrek, Inc., B-225136, Feb. 24, 1987, 87-1 CPD ¶ 202. Techno does not argue that the cancellations

were improper in this regard; the protests therefore fail to set forth a legally sufficient basis as required by our Regulations. See Basic Supply Co., Inc., B-241683, supra.

Techno also requests award of bid preparation and protest costs. Our authority to award such costs is predicated on a determination by our Office that an agency has acted contrary to statute or regulation. 31 U.S.C. § 3554(c)(1) (1988). As Techno has not provided us with any basis to make such a determination, it is not entitled to reimbursement of its costs.

The protests are dismissed.



John M. Melody
Assistant General Counsel