



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

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B-178106 (2)

August 14, 1973

The Honorable
The Secretary of the Army

Dear Mr. Secretary:

By letter of March 29, 1973, reference DAEN-GCC, your General Counsel reported on the protest by counsel for the J. V. Bailey Company, Incorporated, relative to the rejection of all bids under solicitation No. DACW45-73-B-0048, dated November 29, 1972, issued by the United States Army Corps of Engineers, Omaha District, Omaha, Nebraska.

Enclosed is a copy of our decision of today denying the protest.

Our decision holds that cancellation of the subject invitation was a proper exercise of administrative discretion. It appears that the procurement was issued at a time when the contract work would not be performed under favorable conditions at the site, and therefore the procurement was canceled for resolicitation at a later date. In our view a contracting agency should provide for performance meeting its requirements under the least onerous conditions, thus expanding competition, minimizing cost (and presumably price), and making satisfactory performance more likely. Hence we believe the cancellation was justified.

In the meantime, however, bids were exposed. It is our opinion that the contracting officials were remiss in soliciting bids for this procurement under the existing conditions. We call this matter to your attention in order to avoid such similar occurrences in the future.

The file submitted with the letter of March 29 is returned.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States

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