

Vochaska



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

Decision

Matter of: HepaTech Inc.
File: B-270272
Date: November 29, 1995

DECISION

HepaTech Inc. protests the award of a contract to Z-Scan by the Department of Veterans Affairs (VA) under invitation for bids (IFB) No. 667-24-96, for equipment testing and certification at various VA medical centers for a base year and four option years. Specifically, HepaTech contends that the awardee was able to offer the low bid based on an improper oral modification to the IFB by the contracting officer which deleted the cost of parts, materials, travel and labor required under the IFB's statement of work.

Subsequent to the filing of the protest, the agency agreed that the contracting officer had amended a material aspect of the IFB's statement of work without issuing a written amendment as required by Federal Acquisition Regulation § 14.208(a). However, since HepaTech's protest was filed with our Office more than 10 calendar days after award, VA was not required to suspend contract performance, 31 U.S.C. § 3553 (1994), and VA informs us that the first half of the base year requirements have already been performed by the awardee.

We regard HepaTech's protest as academic because VA has proposed appropriate corrective action, given that it is not practicable to disturb the base year award. In this regard, VA intends to revise and resolicit its requirement rather than exercise the first option year and to offer to reimburse HepaTech its reasonable bid preparation costs. See, e.g., Mobility Sys. and Equip. Co., B-243332, Apr. 25, 1991, 91-1 CPD ¶ 412; National Credit Union Admin.—Request for Modification of Remedy, B-240979.2; B-240981.2, May 24, 1991, 91-1 CPD ¶ 504. Accordingly, the protest is dismissed.

Comptroller General
of the United States

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