

**DECISION**



*G. Gallagher*  
**THE COMPTROLLER GENERAL OF THE UNITED STATES**  
WASHINGTON, D.C. 20548  
*7612*

FILE: B-192500

DATE: September 12, 1978

MATTER OF: Anchor Mental Health Association

DIGEST: Protest objecting to 1977 sole-source award and any 1978 extension of contract, even if assumed to be timely, is academic where 1977 contract is almost completed and 1978 procurement for same services is by competitive RFP.

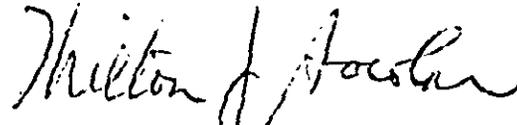
Anchor Mental Health Association (AMHA) has protested the award of a sole-source contract to The Green Door by St. Elizabeth's Hospital, Washington, D.C. The contract involves "Discharge Planning and Transitional Living Services" for the period September 30, 1977, to September 30, 1978. Also, AMHA protests any renewal or extension of the contract.

In response to a specific request by our Office to address the timeliness of its protest, AMHA has indicated only that it was never "alerted" to the initial procurement in 1977, and has not stated when it became aware of the award. However, even assuming that the protest is timely, we note that the contract awarded in 1977 is almost completed. This aspect of AMHA's protest is academic, as no useful purpose in terms of a remedy would be served by considering on the merits the propriety of the 1977 award. See Broken Lance Enterprises, Inc., B-183573, June 16, 1975, 75-1 CPD 369.

On the issue of the renewal or extension of the contract, AMHA states it wants to insure that further procurement of these services is "on an RFP basis." In this regard, we understand that the next year's services are currently being procured competitively under request for proposals No. 279-78-0044 R, and that AMHA is aware of this ongoing procurement. Thus,

this issue also appears to be academic. Where, as here, a protest is without legal merit on its face or raises only academic issues, our Office will dismiss the protest without obtaining a report from the contracting agency. See L&M Services, Inc.-- Reconsideration, B-190873, March 6, 1978, 78-1 CPD 175; Braswell Shipyards, Inc., B-191451, March 24, 1978, 78-1 CPD 233.

The protest is dismissed.

*for*   
Paul G. Dembling  
General Counsel