

Proc. I

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DECISION



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

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FILE: B-186471

DATE: March 29, 1979

MATTER OF: Welmetco, Ltd.

DIGEST:

Protest rendered academic by protester's failure to extend bid acceptance period is dismissed.

Welmetco, Ltd. (Welmetco), has filed a protest with our Office against the award of a contract to Eastern Canvas Products, Inc. (Eastern), under invitation for bids No. DSA100-76-B-0998, a small business set-aside.

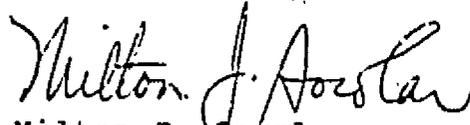
This procurement has been the subject of considerable controversy encompassing a prior protest to our Office (see Welmetco, Ltd.; Eastern Canvas Products, Inc., B-186471, December 15, 1976, 76-2 CPD 490); of litigation in the United States District Court for the District of Columbia (Civil Action No. 76-1284); an appeal to the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 77-1505); and a size protest to the Small Business Administration (SBA), as well as the present matter.

The solicitation originally contemplated the purchase of 270,000 pack frames and strap assemblies. Welmetco was the low bidder at bid opening on May 5, 1976, but the award of the contract was delayed because of the controversies mentioned above. Welmetco states that on May 18, 1978, the quantity of pack assemblies being purchased was reduced from 270,000 to 124,800 and that it did not extend its bid acceptance period any further because it could not hold its price for the reduced quantity. The contract was awarded to Eastern, the second low bidder, in October 1978.

Welmetco has asserted that the contract awarded to Eastern incorporated a price increase and that had Welmetco been afforded an opportunity to increase its price, it would have been able to extend its bid acceptance period. We find no merit to Welmetco's assertion since the contract was awarded to Eastern at its original bid price.

Welmetco's failure to extend its bid acceptance period effectively terminated its interest in this procurement and rendered its protest academic. We have consistently declined to consider academic questions. Risi Industries, Inc.; Westmont Industries, B-191024, April 27, 1978, 78-1 CPD 329; L&M Services, Inc.-- Reconsideration, B-190873, March 6, 1978, 78-1 CPD 175.

The protest is dismissed.


Milton J. Socolar
General Counsel