

DECISION



11699 B. J. J. Jr.
THE COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-189214 DATE: October 18, 1979

MATTER OF: Constantine N. Polites & Co.

CN 600265

DIGEST:

DLG 03089
Protest complaining that proposed military specification for scaffolding components is unduly restrictive and does not conform to recommendations in prior GAO decisions is premature. Specification has been questioned by higher DOD authority and is not final, and is not directed to specific procurement.

Constantine N. Polites & Co. has taken exception to certain provisions of proposed Military Specification S-29180 for Scaffolding Components, Steel (Tube and Coupler). Prior decisions of this Office have considered various problems in connection with Navy procurements for scaffolding materials and have encouraged the Navy to develop a military specification for this item. Constantine N. Polites & Co., B-187721, June 7, 1977, 77-1 CPD 401; Constantine N. Polites & Co., B-189214, December 27, 1978, 78-2 CPD 437; Constantine N. Polites & Co., B-193730, September 10, 1979, 79-2 CPD ____.

[Protest Alleging That]

In Polites' view, several of the proposed military specification requirements are unduly restrictive, arbitrary, or unreasonable. Specifically, Polites complains of provisions permitting only hot dipped galvanized parts to be used and requiring that under certain test conditions couplers deflect no more than 10°. Polites also says that a specification describing the type of bolts permitted is inconsistent with our decision, B-189214, supra because in its view, adequate consideration was not given to the specification of steel grades, heat treatment, threads and other factors. In this regard, Polites feels that the proposed specification is unbalanced and inconsistent with the views expressed in our decision.

007389

Insofar as Polites raises issues which have not been considered previously by this Office, we view its protest prior to the issuance of a solicitation as premature. Nixdorf Computer Corporation, B-193118, November 8, 1978, 78-2 CPD 334; Franklin Solid Waste Service, Inc., B-188961, June 22, 1977, 77-1 CPD 445; cf. Marion Health and Safety, Inc., B-186731, October 6, 1976, 76-2 CPD 313. Regarding Polites' concern that the proposed military specification is inconsistent with our earlier decisions, we are advised by the Principal Deputy Assistant Secretary of the Navy (Logistics) that the recommendations we have made will be followed. We also are informed that the proposed specification has been reviewed by the Office of the Secretary of Defense, Defense Materiel Specifications & Standards Office, which has recommended a number of changes. As a result, several matters are being considered further by the Navy. In the circumstances, we believe our consideration of the proposed specification should be deferred until the Government's internal processes have been exhausted.

Accordingly, the protest is dismissed.



Milton J. Sogolar
General Counsel