

DECISION



12061 PL-11
Mr. Notopoulos
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-196056

DATE: November 19, 1979

MATTER OF: Saxon Business Products, Inc. DLG03367

DIGEST:

Concerning
[Protest ~~of the~~ issuance of purchase orders
to competitor] for lease/purchase of photo-
copying machines is dismissed as moot where
agency canceled purchase orders prior to
delivery of equipment and no payment was made.

Saxon Business Products, Inc. (Saxon) has requested this Office to rule on the propriety of the issuance of three purchase orders by the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms, San Francisco, California, to Savin Corporation (Savin), for a "lease to ownership" type rental and purchase of Savin 770 copying machines. Saxon questions the authority used to purchase the copiers, with particular regard to the legality of obligating funds beyond the fiscal year, the propriety of issuing these purchase orders without competition, and the permissibility of going outside the Federal Supply Schedule to purchase equipment allegedly on the schedule. Saxon requests rescission of the purchase orders. DLG03366 DLG03368

The Treasury Department has informed our Office that all three purchase orders were canceled; that delivery was not made prior to cancellation; and that no payment was made. Treasury has furnished our Office copies of the cancellation notices for each of the purchase orders at issue, and advises that it no longer intends to purchase these machines, but instead will rent this equipment under applicable Federal Supply Schedule contracts.

Since the relief requested by Saxon has in effect been provided, we consider the protest to be moot, and we shall take no further action on the matter.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel

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