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DECISION

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

FILE: B-195105

DATE: January 29, 1980

MATTER OF: McNab, Incorporated DLG03754

DIGEST:

Protest that company's allegedly deficient product should be eliminated from consideration under RFP is dismissed as academic, since company was not successful offeror and another company that did not offer that product.

McNab, Inc., has protested that Beckman Instruments, Inc., salinity cells should be eliminated from consideration under RFP N00104-79-R-YU30 issued by the Navy Ships Parts Control Center because McNab's testing of the product indicates it is not meeting Navy requirements and McNab surmises that the Navy's increase in the quantity of cells being procured is attributable to this deficiency.

GDG00424

AGC00234

While the protest was pending, offers were received from three offerors. Beckman was not the low offeror. Marine Electric RPD, Inc., which offered its own part, had the lowest acceptable offer.

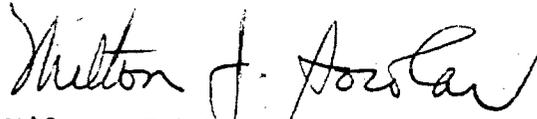
DLG03755

Thus, it is academic whether the Beckman cell should have been eliminated from competition. Therefore, we will not consider that issue. However, we note that the Navy intends in the future to investigate defective cell reports from private sources within its funding limits and to issue a specification for subsequent procurements of salinity cells which will provide for Government testing of the cells instead of the current Government-supervised contractor testing. The change in procedures may eliminate the problem McNab has presented.

[ALLEGATION THAT Competitor's Product Was DEFICIENT]

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Accordingly, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the typed name.

Milton J. Socolar
General Counsel