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DECISION



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

Protest Alleging Low Bidder's Bid Was Improper and Nonresponsive

FILE: B-201074

DATE: January 19, 1981

MATTER OF: Misener Marine Construction, Inc.

DC 05863

DIGEST:

General Accounting Office will not consider issues raised by grant complaint when solicitation underlying complaint has been canceled, rendering complaint academic.

AGC 00371

Misener Marine Construction, Inc. (Misener), has filed a complaint against the award of a contract for the Cruz Bay Development, St. Johns, Virgin Islands, Project No. 01-01-00398.01 under a grant issued by the Economic Development Administration of the United States Department of Commerce (Commerce). Misener contends that the bid of the apparent low bidder is improper and nonresponsive for failure to comply with a bid requirement for a bid bond or certified check.

We have been advised by Commerce that all bids were rejected because they exceeded the engineer's estimates for the project and that the project plans are being revised for negotiation with the bidders on the project.

Under these circumstances, the complaint is academic and no useful purpose would be served by our consideration of it. Cambridge Filter Corporation, B-200405, November 18, 1980, 80-2 CPD 371.

The complaint is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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