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DECISION



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

FILE: B-205277

DATE: December 10, 1981

MATTER OF: Dudley Roofing Co.

DIGEST:

Rejection of all bids and readvertisement of project render protest against rejection of late bid moot and, thus, GAO will not consider issues raised by protest.

Dudley Roofing Co. (Dudley) protests the rejection of its bid submitted in response to invitation for bids (IFB) No. 135-132, issued by the United States Department of Justice, Federal Prison System. Dudley's bid was rejected because it was late. It is Dudley's contention that its estimator arrived at the Federal prison at Marion, Illinois, prior to bid opening time, but due to two different delays caused by the prison guards he was prevented from arriving at the bid opening room prior to the 1 p.m. bid opening time. Dudley contends that the bidding should have been closed as of the time bidders arrived at the outside gate.

We have been advised since the filing of Dudley's protest that the Department of Justice Contract Review Committee ruled that IFB 135-132, as well as IFB 135-128 (a prior solicitation for the same project), was not legally sufficient and, therefore, all bids was rejected. The Department of Justice states that it plans to readvertise this project, at which time Dudley will be given an opportunity to submit a bid. In view of this development, the protest is moot and our review of the issues raised would serve no useful purpose. See Mayfair Construction Co., B-203837, July, 31, 1981, 81-2 CPD 80.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel