

11/00/1986
PL-II
33296

DECISION



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

FILE: B-220378

DATE: January 17, 1986

MATTER OF:

Associates for Research and Training, Inc.

DIGEST:

Allegation that the Navy improperly rejected protester's proposal as technically unacceptable is rendered academic where the Navy advises that no funding for the canceled solicitation remains available.

Associates for Research and Training, Inc. (Associates), protests the cancellation of request for proposals (RFP) No. N00600-85-R-1135, a total small business set-aside, issued by the Naval Regional Contracting Center (Navy), Washington, D.C., for a manager training program. Associates alleges that its proposal was improperly rejected as technically unacceptable.

We dismiss the protest.

The Navy contends that the protest is academic because all offers were found to be technically unacceptable and the RFP was canceled. Further, following the cancellation and protest, the Navy advises that it has no plans to resolicit because no funding for the requirement remains available.

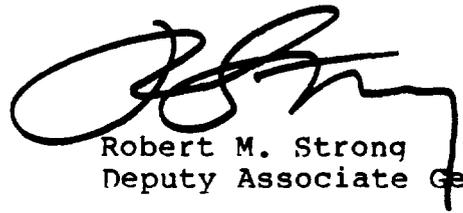
Ordinarily, when a protester protests a canceled solicitation, the cancellation in itself would not render the protest academic because the relevant question to be resolved is the propriety of the reason for cancellation. Since the reason for the cancellation by the Navy was the alleged technical unacceptability of Associate's proposal, leaving no acceptable proposals, the cancellation cannot render the protest academic because the propriety of the Navy's determination of technical unacceptability is still unresolved. See Magnavox Advanced Products and Systems Co., B-215426, Feb. 6, 1985, 85-1 C.P.D. ¶ 146. However, in light of the Navy's disclosure that no funding for the requirement remains available, we find that the protest is academic. See 4 C.F.R. 21.3(f) (1985). It would serve no

034330

useful purpose to issue a decision where the protester would not gain a remedy.

Regarding the Navy's original decision to cancel on the basis that no proposals were acceptable, even if we assume the Navy's action was improper, the lack of funding which was mentioned for the first time in the Navy's supplemental report is an appropriate basis to support the cancellation here. See AMRAY, Inc., b-210490, Feb. 7, 1983, 83-1 C.P.D. ¶ 135.

The protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel