

DECISION

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

FILE: B-220378.2 **DATE:** April 4, 1986

MATTER OF: Associates for Research and Training,
Inc.--Request for Reconsideration

DIGEST:

Decision which held that protest was rendered academic when the agency advised that funding for requirement was unavailable is denied on reconsideration where the agency rebuts the protester's allegations that the requirements were obtained through other means or that the funding determination was improper.

Associates for Research and Training, Inc. (Associates), requests reconsideration of our decision in Associates for Research and Training, Inc., B-220378, Jan. 17, 1986, 86-1 C.P.D. ¶ 59, in which we dismissed Associates' protest against 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.

In its initial protest, Associates alleged that its proposal was improperly rejected as technically unacceptable and the solicitation was improperly canceled because no acceptable proposals were received. However, in light of the Navy advising that it had no plans to resolicit because funding for the requirement was unavailable, we dismissed the protest as academic. We found that no useful purpose would have been served by issuing a decision where the protester would not gain a remedy. Moreover, we concluded that even if the original decision to cancel, no acceptable proposals, was improper, the lack of funding was an appropriate basis to support the cancellation.

In its request for reconsideration, Associates requests that we consider the protest on the merits because it believes that the Navy's determination that no funds were available for the procurement was improper. It alleges that the Navy granted authorization for students to obtain training from a source not involved in the initial competition and thereby did indirectly that which it supposedly had no funding to do directly.

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The Navy has advised that the 1985 requirement was canceled in total and that two-thirds of the 1986 training budget was canceled and the availability of the remaining one-third is questionable. The Navy further advised that no training has been requested from any other agencies, that no authorization has been granted to any students to obtain training on their own, and that currently there are no funds to procure for any 1986 requirements on any basis, competitively or otherwise.

In view of the Navy's response, Associates' request for reconsideration is denied as it does not show any errors of fact or law, which warrant reversal of that decision.
4.C.F.R. § 21.101 (1985).

for Seymour Efron
Harry R. Van Cleve
General Counsel