



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: McDonald Welding & Machine Co.  
File: B-227004  
Date: April 14, 1987

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### DIGEST

A delay in meeting procurement milestones is a procedural deficiency which does not effect the validity of the procurement. Agency delay in awarding contract is not objectionable where delay is due to protests filed and current litigation concerning procurement.

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### DECISION

McDonald Welding & Machine Co. protests the failure to award to the firm a contract for Lots I and II under request for proposals (RFP) No. N00140-86-R-0987, for mobile facility vans, issued by the Department of the Navy. McDonald alleges it is the low offeror under the RFP and that the Navy has failed to "award a contract with reasonable promptness," as required by the 10 U.S.C. § 2305(b)(4)(D) (Supp. III 1985).

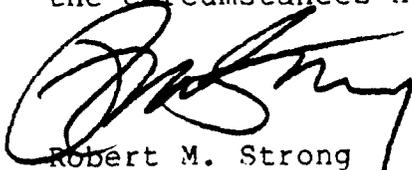
We dismiss the protest under section 21.3(f) of our Bid Protest Regulations without obtaining a report from the Navy or having a conference on the protest, as requested by the protester, because it is clear that the protest has no merit, and a conference would, therefore, serve no useful purpose. See Connie Hall Co., B-223440, July 9, 1986, 86-2 C.P.D. ¶ 52.

McDonald asks that we instruct the agency to award a contract under the RFP to McDonald, because McDonald alleges that the procurement has been unreasonably delayed. Our Office has stated that a delay in meeting procurement milestones is a procedural deficiency which does not provide a basis of protest because it has no effect on the validity of the procurement. See The Aerial Image Corporation, ComCorps, B-219174, Sept. 23, 1985, 85-2 C.P.D. ¶ 319. Furthermore, while an agency is required to award a contract with reasonable promptness, this RFP has been the subject of

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several protests and litigation, see McDonald Welding & Machine Co., Inc., B-224014.4; B-224014.5, Dec. 5, 1986, 86-2 C.P.D. ¶ 647, which, as indicated in the protester's statement of the Navy's position, is the reason for the agency's delay in awarding the contract.

Thus, we find no basis to object to the agency's action under the circumstances here, and dismiss McDonald's protest.



Robert M. Strong  
Deputy Associate General Counsel