



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: American Overseas Book Co., Inc. 2-ADK0040

File: B-227835

Date: July 17, 1987

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### DIGEST

Protest is dismissed where action taken by the agency subsequent to the filing of the protest has rendered the issues raised therein academic. The General Accounting Office (GAO) will not consider an issue of protest where the agency has altered its actions so that no useful purpose would be served by GAO's decision.

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### DECISION

American Overseas Book Co., Inc. (AOBC), protests the award of a contract to the Faxon Company under request for proposals (RFP) No. 794-4-87, issued by the Veterans Administration (VA) for periodical subscription services. AOBC complains that the award to Faxon was improper because the VA misapplied evaluation criteria, failed to hold discussions with AOBC, should have rejected Faxon's proposal as technically unacceptable, and awarded a contract to Faxon that will cost the VA additional monies. We dismiss the protest.

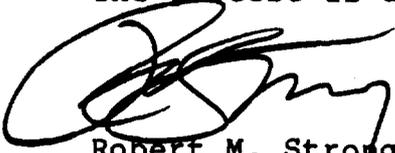
After AOBC's protest was filed, the VA determined that the award to Faxon had been improper because of deficiencies in the solicitation and evaluation process, and terminated Faxon's contract. Negotiations were reopened with all offerors in the competitive range, including AOBC, based, in part, on solicitation clarifications and corrections. Best and final offers are presently being evaluated.

Because of the measures taken by the VA after the filing of AOBC's protest, we believe the issues raised by AOBC concerning the propriety of the award to Faxon have been rendered academic. While AOBC continues to contest the acceptability of Faxon's proposal, due to the new request for best and final offers, the prior decision of the agency regarding the acceptability of the proposal is academic.

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Moreover, we will not consider issues of protest where the agency has altered its actions so that no useful purpose would be served by our decision. Abbott Laboratories, et al., B-223952 et al., Aug. 25, 1986, 86-2 CPD ¶ 222.

The protest is dismissed.



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