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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Professional Carpet Service
File: B-243942
Date: September 10, 1991

Joan A. Estrada for the protester,
Kenneth R. Pakula, Esq., General Services Administration, for
the agency,
David Hasfurther, Esq., and Andrew T. Pogany, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

1. Where agency corrects alleged impropriety in solicitation by amendment after initial protest is filed, matter is academic.
2. Problem envisioned by the protester, namely, that exorbitant prices will be charged on small purchases of ancillary tasks that may be performed during performance of contract work, is speculation about what will happen on future procurements and is not for consideration.

DECISION

Professional Carpet Service (PCS) protests the terms of invitation for bids (IFB) No. GS-11P91MJD0020, issued by the General Services Administration (GSA) as a small business set-aside to obtain carpet/carpet tile installation and/or removal and related services for various Washington, D.C., metropolitan area locations. PCS basically contends that the IFB improperly permits double charging for moving furniture when carpet/carpet tile removal and installation are performed as part of one process and that the IFB is incomplete because various ancillary tasks are not included with set prices to preclude overcharging.

We dismiss the protest.

The IFB, issued on April 19, 1991, required prices for a 1-year base period and four 1-year option periods covering carpet/carpet tile installation and removal, installation and removal of vinyl cove wall base, stripping, measurements, and consultations for accomplishing these services. Prices were to be computed on the basis of estimated quantities of work. Two prices were to be bid for installation and two prices for removal--one where furniture was involved ("with furniture") and the other where no furniture was involved ("without furniture").

In its initial protest, PCS principally argued that the IFB lacked sufficient clarity to prevent the government from being charged twice for furniture removal and replacement when carpet/carpet tile is removed and installed as one process. Specifically, PCS argued that the cost of furniture removal for a specific job could be included in two separate line items (i.e., the installation line item and the removal line item).

In response to the protest, and in order to prevent any possible double charging in this area, GSA issued amendment No. 02 on May 15, which deleted the IFB requirement for prices "with" and "without" furniture to require that only one price be bid for installation and one for removal and that these prices "should take into consideration the movement of furniture if necessary." Bid opening was extended until further notice.

In its comments, PCS merely repeats its initial assertion that the government will be charged twice for moving furniture when carpet/carpet tile removal and installation are performed as part of one process. However, it does not comment on amendment No. 02 and offers no explanation as to why the dropping of the distinction previously made between "with" and "without" furniture and the deletion of the requirement for two prices based on this distinction made by amendment No. 02 did not correct this problem. In view of amendment No. 02 and without any further response from the protester, we view its initial protest as academic.

Next, PCS contends that the numerous ancillary tasks (e.g., special cuts and inserts, flash patches and floor preparation, and the furnishing and installing of access plates) which may be needed at times during installation should be set out in the IFB as separate line items with fixed prices so as to preclude the government from paying the exorbitant prices that have been paid for them in the past under the small purchase procedures. Past experience has shown, PCS maintains, that the user of the carpet being installed will often pay anything the contractor says for these tasks simply to avoid any delay in the completion of the work.

We will not consider the matter. Regarding the listing of ancillary tasks, PCS does not contend that to procure these items under the small purchase procedures is legally improper, but merely that such future procurements will not be made properly. We do not consider speculations that future procurement actions will or may be improper. See Jantec, Inc., B-243192, Mar. 14, 1991, 91-1 CPD ¶ 289. PCS's assertion of allegedly faulty prior procurements is also insufficient to support its basis of protest, since each procurement must stand on its own propriety. See Personnel Decisions Research Inst., B-225357.2, Mar. 10, 1987, 87-1 CPD ¶ 270.

The protest is dismissed.

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for Michael R. Golden
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