



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Nova Group, Inc.
File: B-245333
Date: December 20, 1991

Carole L. Bionda, Esq., for the protester.
D.J. Herrick for Sigma Piping Company, Inc., an interested party.
Paul M. Fisher, Esq., Department of the Navy, for the agency.
Barbara C. Coles, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest raising same issue that was resolved in a recent decision on a protest by the same protester is dismissed as no useful purpose would be served by further consideration of the matter.

DECISION

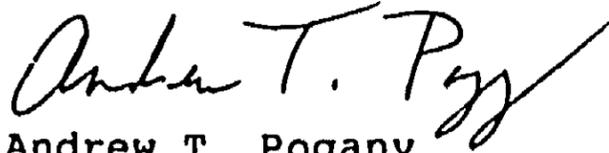
Nova Group, Inc. protests the award of any contract under invitation for bids (IFB) No. N62477-91-B-1028, issued by the Department of the Navy for an underground steam distribution system at the Marine Corps Combat Development Command, Quantico, Virginia. Nova, a prime contractor on underground heat distribution (UHD) systems projects, contends that the government has treated it unfairly by imposing stricter requirements upon its UHD systems than those imposed upon other UHD contractors.

We dismiss the protest.

The issue raised in this protest is identical to the issue raised in Nova Group, Inc., B-245106, Dec. 17, 1991, 91-2 CPD ¶ ____, which involved the question of whether the Federal Agency UHD Systems Committee--the committee which administers the Federal Agency Prequalification Procedure for UHD systems--could require the protester to pass a longer boiling test than the one required by the Procedure. The protester here relies upon the same arguments advanced in the earlier case in which we concluded that the decision of the committee to require Nova to pass a longer boiling test than the one required by the Procedure is reasonable because the protester's polyester resin UHD system has twice previously failed.

Since the issue raised and the arguments made by Nova in this protest are the same as in the earlier protest, which was resolved by our decision of December 17, we see no useful purpose to be served by our further consideration of this protest, Wallace O'Connor, Inc., B-227891, Aug. 31, 1987, 87-2 CPD ¶ 213.

The protest is dismissed.



Andrew T. Pogany
Acting Assistant General Counsel