

Benejam



Comptroller General
of the United States

1058169

Washington, D.C. 20548

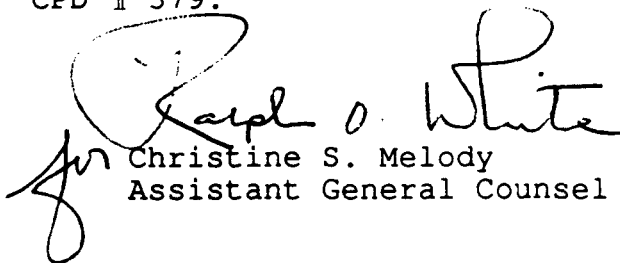
Decision

Matter of: Ensign-Bickford Co.
File: B-258039; B-258039.2
Date: September 16, 1994

DECISION

The Ensign-Bickford Co. protests the award of a contract to TAAS-Israel Industries, Ltd. under invitation for bids (IFB) No. DAAA09-93-B-0429, issued by the Department of the Army for various grain sizes of flexible linear-shaped charges, identified as separate contract line item numbers (CLIN) in the IFB. The protester argues that the agency improperly waived first article testing for the awardee and that an aggregate award to TAAS-Israel did not result in the lowest overall price to the government.

Subsequent to the filing of these protests the agency has granted the relief requested. Specifically, the agency states that based on its reevaluation of bids, it will remove certain CLINs from the awardee's contract, and award those items to Ensign-Bickford based on its lower price. Since protests of agency action become academic when contracting agencies grant the relief requested, Steel Circle Bldg. Co., B-233055; B-233056, Feb. 10, 1989, 89-1 CPD ¶ 139, and since it is not our practice to consider academic questions, the protests are dismissed. See East West Research, Inc.--Recon., B-233623.2, Apr. 14, 1989, 89-1 CPD ¶ 379.


Christine S. Melody
Assistant General Counsel

061089/152611