



Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

**Matter of:** Severson Environmental Services, Inc.

**File:** B-258085

**Date:** September 21, 1994

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### DECISION

Severson Environmental Services, Inc. protests the award of a contract to McLaren/Hart Environmental Engineering, Inc. under request for proposals (RFP) No. DACA05-93-R-0074, issued by the U.S. Army Corps of Engineers, for the remediation of burn pits and other contaminated sites at the Sacramento Army Depot, Sacramento, California. Severson protests that the award to McLaren did not represent the "best value" to the government under the stated RFP evaluation criteria, amounted to preferential treatment of the awardee vis-a-vis the protester, and resulted from the Corps' failure to conduct meaningful discussions with the protester.

Subsequent to the filing of this protest, the contracting officer determined to reconvene the Source Selection Evaluation Board (SSEB) for the purpose of reevaluating proposals. The contracting officer will also have discretion to determine whether the results of the reevaluation warrant reopening discussions with the offerors, including Severson.

Since the agency intends to reevaluate proposals, those protest issues relating to the alleged miscalculation of Severson's and McLaren's proposals are academic. 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. Since it is not our practice to consider academic questions, these protest bases are dismissed. See East West Research, Inc.--Recon., B-233623.2, Apr. 14, 1989, 89-1 CPD ¶ 379.

Furthermore, if upon reevaluating proposals, the agency finds that a prejudicial impropriety occurred in the source selection process, it would then have a reasonable basis to reopen discussions. See Burns & Roe Servs. Corp., B-248394, Aug. 25, 1992, 92-1 CPD ¶ 124. Since the agency has not yet determined whether meaningful discussions were conducted or should be resumed, Severson's protest allegation that the agency did not afford it meaningful discussions is

premature. Protests that merely anticipate improper agency action are speculative and premature. See PRC, Inc., B-233561.8; B-233561.9, Sept. 29, 1992, 92-1 CPD ¶ 215. Consequently, there is no basis for us to consider this protest allegation at this time. If in the future, the agency takes concrete action that may properly form the basis for a valid bid protest, the protester may file with our Office at that time.



Guy R. Pietrovito  
Acting Assistant General Counsel