



Office of the General Counsel

B-233105.2

January 12, 1989

The Honorable Bob Wise  
House of Representatives

Dear Mr. Wise:

This is in response to your inquiry of December 12, 1988, on behalf of Midwest CATV, with respect to its protest of the award of a contract to Midwest Communications by the Veterans Administration (VA), under request for proposals No. 101-29-88. Midwest CATV had protested that it had submitted a technically acceptable proposal at a lower price than the awardee's proposal.

In response to Midwest CATV's protest, the VA advised our Office that it had reviewed the procurement and concluded that the award was improper, because the contracting officer had failed to conduct meaningful discussions. Accordingly, the VA suspended performance on Midwest Communications contract and proposed to reopen the competition, conduct further discussions and request another round of best and final offers. Because of this remedial action by the VA, by notice dated November 16, 1988, our Office dismissed the protest as academic. Midwest CATV did not respond to our notice, or request reconsideration of the dismissal.

However, by letter dated November 22, Midwest CATV had indicated that it was in accord with the VA Director's comments. Midwest CATV also indicated in that letter that it desired certain information relating to the awardee's proposal in order to file a protest.

We did not reopen our file in this matter because Midwest CATV was only requesting information which was in the VA's discretion to release, in order to be able to file a protest. Accordingly, we have no open file on this matter. We note that while the information which Midwest CATV is seeking may be proprietary, or otherwise not releasable during the pendency of the procurement, in the event that

Midwest CATV believes that the reopened competition is not properly conducted, it may elect to protest again to either the VA or to our Office.

We hope that this information is helpful.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Strong', written in a cursive style.

Robert M. Strong  
Associate General Counsel