

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-133170

DATE: August 27, 1976

6/1408  
99600

MATTER OF: San Diego Marine Construction Corp.

**DIGEST:** Request that GAO render decision on requirement for certain cost breakdown information appears to be premature protest and will not be considered on merits. Proper time to protest would be after issuance of solicitation and prior to bid opening or closing date for receipt of initial proposals.

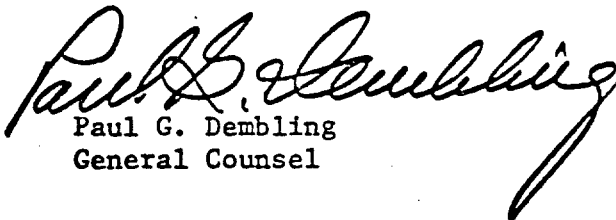
This decision responds to a letter to our Office dated July 23, 1976, from San Diego Marine Construction Corp. (SDMC). SDMC asks that we render a "declaratory judgment" concerning a position taken by the Supervisor of Shipbuilding, Conversion and Repair (SUPSHIP), San Diego Naval Station, Naval Supply Systems Command.

SDMC questions SUPSHIP's position that a contractor may properly be required to furnish information entitled "Specification Work Item Estimated Costs." The information apparently deals with a breakdown of a contractor's estimated total costs for doing certain work. In response to SDMC's inquiry, SUPSHIP stated that it considers the requirement justified and that there would be cause to find non-conforming SDMC bids or proposals on future solicitations containing the requirement to be nonresponsive or unacceptable.

We are unaware of any jurisdictional basis for our Office to proceed with a decision on this matter. SDMC's letter appears to be in the nature of a premature protest against possible imposition of the questioned requirement in future solicitations. The proper time to file a protest would be after issuance of a solicitation and prior to the bid opening or the closing date for receipt of initial proposals. See section 20.2 of our Bid Protest Procedures (4 C.F.R. § 20.2 (1976)).

B-133170

In view of the foregoing, we are closing our file in this matter without further action.



Paul G. Dembling  
General Counsel