

DECISION



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

PL-1

10,974

FILE: B-193103

DATE: August 7, 1979

MATTER OF: Candid Realty, Inc.

DIGEST:

[Protest Against Rejection of Offer of Realty For Leasing]

Protest is moot where, even if sustained, protester would be unable to perform according to terms of its offer.

Candid Realty, Inc. (Candid), has protested the rejection of its offer of realty for leasing by the General Services Administration (GSA) under solicitation for offers (SFO) No. GS-05B-12832.

On December 29, 1977, GSA issued the subject SFO to procure leasing space to house the Great Lakes Environmental Research Laboratory, National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce.

After months of delay, Candid was forced to extend its option for land control regarding the offered parcel from May 5 through July 5, 1978, and then from July 5 for a "reasonable period." On October 4, 1978, with award not expected until December, Candid filed its protest with our Office on the grounds of GSA's delay and its failure to notify offerors of the reasons for delay. Finally, GSA rejected all offers on November 22, 1978, to reexamine its specifications in light of Executive Order No. 12,072, 43 Fed. Reg. 36,869 (1978), and material changes in the user agency's requirements.

The record indicates that on September 25, 1978, Candid received notice that its option had been canceled and its earnest money deposit on the site land forfeited. Under these circumstances, even if we were to sustain the protest, Candid would be unable to perform according to the terms of its offer. Consequently,

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our Office considers the matter moot. Matanuska Telephone Association, Inc.; Interior Telephone Company, B-179500, July 25, 1974, 74-2 CPD 55.

Accordingly, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar
General Counsel