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DECISION



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

FILE: B-202332

DATE: June 15, 1981

MATTER OF: Neoplan-USA-Corporation

DIGEST:

When UMTA grantee, with concurrence of grantor, rejects all bids for advanced design buses, complaint regarding performance bond requirement will be dismissed.

Neoplan-USA-Corporation complains regarding a 100 percent performance bond requirement in a solicitation for advanced design buses issued by the Golden Gate Bridge, Highway, and Transportation District, San Francisco, California. The Department of Transportation's Urban Mass Transportation Administration (UMTA) was to provide 80 percent of the funds for the buses.

Neoplan, in complaints to the grantee and to UMTA, unsuccessfully sought deletion of the requirement and postponement of the February 25, 1981 bid opening. It did not submit a bid; however, two other firms did. Subsequently, Golden Gate Transit, with UMTA concurrence, decided to reject both bids and to readvertise later this year.

Under these circumstances, Neoplan's complaint is academic and no useful purpose would be served by our considering it. See Misener Marine Construction, Inc., B-201074, January 19, 1981, 81-1 CPD 32.

The complaint is therefore dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

[Protest of Performance Bond Requirement]

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