

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

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FILE: B-211898**DATE:** July 18, 1983**MATTER OF:** Yoder Brake and Manufacturing Company**DIGEST:**

Protest that agency will not include protester's equipment on approved source list is dismissed as academic because agency reports that it is currently considering protester's test data for possible inclusion of its equipment on the approved source list.

Yoder Brake & Manufacturing Co. complains that the Air Force has discriminated against that firm in its effort to become an approved source for the Air Force MHU-14/munitions trailer surge brake.

Yoder states that its president is the inventor, designer and original manufacturer of the surge brake but that it has been unable to obtain approved source status and therefore is unable to compete for Government contracts.

In response, the Air Force reports that it advised Yoder that it will consider that firm for source approval if Yoder provides testing and engineering data which demonstrates that its product will meet agency requirements. We have been advised that Yoder has supplied data which is currently being evaluated by the agency.

Since the Air Force is currently considering Yoder for inclusion on its qualified source list, its protest is academic.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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