

**DECISION**

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

**FILE:** B-213684

**DATE:** February 28, 1984

**MATTER OF:** Catalyst Financial Corporation;  
The Breitman Company

**DIGEST:**

1. Protest against award of a contract is rendered academic by agency's cancellation of solicitation.
2. Protest against provisions of future resolicitation is dismissed as premature.

Catalyst Financial Corporation (Catalyst) and The Breitman Company (Breitman) protest the General Services Administration's (GSA) solicitation of rental office space for the Bureau of Alcohol, Tobacco and Firearms (BATF).


The GSA solicited proposals under request for proposals (RFP) No. GS-09B-83672. The protesters contend that during the course of negotiations, GSA indicated that proposals would be evaluated on the basis of additional requirements which were not contained in the RFP, namely additional square footage and the availability of a means through which BATF's informants could "blend" into the BATF office without detection. In a letter dated November 9, 1983, Catalyst and Breitman protested that such a deviation from the RFP's evaluation criteria would be improper. GSA's response was to cancel the solicitation by rejecting all best and final offers. Our Office and all offerors were notified.

On December 1, 1983, the protesters informally advised our Office that they did not believe that their protests were academic. On January 19, 1984, we received a January 16 letter from the protesters which elaborates on the original protests. The letter contends that the government's additional requirements are disingenuous, do not reflect the government's minimum needs, and reflect an attempt by the BATF and the GSA to circumvent the government's obligation to proceed with a contract award based upon the RFP's original criteria.

An award will not be made under RFP No. GS-09B-83672 because the solicitation, in effect, has been canceled. The November 9 protest against an award under that RFP is accordingly academic and our review of whether GSA intended to deviate from the RFP evaluation criteria would serve no useful purpose. See Stanley Furniture Corporation, B-213075, December 12, 1983, 83-2 CPD 668.

The protesters also appear to be protesting against the GSA issuing a revised solicitation which will include requirements that exceed the government's minimum needs. However, a protest against a future RFP is premature because the precise nature and provisions of the RFP are speculative until the RFP is actually issued. Our Bid Protest Procedures are reserved for determining whether an award or proposed award complies with statutory, regulatory, or other requirements, and are not available for challenging future procurements. Browning-Ferris Industries, B-209234, March 29, 1983, 83-1 CPD 323. We view Catalyst's and Breitman's protests against the GSA's future RFP as premature and not for consideration at this time. The appropriate time to file a protest against an RFP's requirements would be after the solicitation has been issued, but prior to the closing date for the receipt of initial proposals. 4 C.F.R. § 21.2(b)(1) (1983).

The protests are dismissed.

  
for Harry R. Van Cleve  
Acting General Counsel