

DECISION

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

Widen
29150

FILE: B-215093

DATE: August 22, 1984

MATTER OF: JJK Commodity Company

DIGEST:

Protest alleging agency improperly will deny award to protester is premature and will not be considered.

JJK Commodity Company (JJK) protests the refusal of Grand Forks Air Force Base (AFB), the Department of the Air Force, to award it a contract for type "C" architect and engineering (A&E) services for May 1, 1984, through February 28, 1985. JJK argues that it was selected for this contract by the base A&E selection committee, but that the base civil engineer and contracting officials improperly refused to accept the selection, and that base officials involved in the selection process are biased against JJK.

We dismiss the protest as premature.

On March 16, 1984, a Commerce Business Daily notice was issued by the Air Force to establish a contract for type "C" A&E services. In response to the notice, JJK submitted the A&E qualification forms required for consideration in the A&E selection process. A selection committee for evaluation of A&E firms was chosen by the base civil engineer. However, the Air Force reports that the base civil engineer became concerned with the board composition because two board members had worked for JJK's president when he was deputy base civil engineer at the Grand Forks AFB. To avoid the possible appearance of a conflict of interest, the base civil engineer decided to dissolve the selection board and establish a new board composed of personnel who had not worked under the JJK official. The Air Force advises that the new board will evaluate the firms, including JJK, which were considered by the original board and that, contrary to JJK's allegation, JJK is not being precluded from consideration for the A&E contract. The Air Force also reports that the initial board results which JJK apparently received were internal deliberations not for public release, and the results never reached the form of a recommendation to contracting officials for use in contracts.

029827

24150

Accordingly, the Air Force concludes that the JJK protest is premature, because there has been no formal solicitation issued to date, no requirement for type "C" A&E services has been submitted to the contracting officer, and JJK is being considered for any future requirements. JJK does not deny these facts. Since JJK is still being considered for award of this contract, we find no basis to consider JJK's allegations concerning possible selection process bias at this time. Afri-American Supply Company, B-206137, Feb. 17, 1982, 82-1 C.P.D. ¶ 141.

We dismiss the protest.

We also note that JJK asserts a claim for \$100,000 in damages against the Air Force. We point out that even if a protester is wrongfully denied a contract, which does not appear to be the case here, there is no legal basis that would permit recovery of anticipated profits or similar monetary damages. Power Systems--Claim for Costs, B-210032.2, Mar. 26, 1984, 84-1 C.P.D. ¶ 344.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel