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**DECISION**



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

**FILE:** B-218277.2

**DATE:** May 15, 1985

**MATTER OF:** Unico, Inc.--Reconsideration

**DIGEST:**

1. Protest is dismissed as academic where agency has provided relief requested by protester.
2. Protest against cost of providing equipment demonstration which was requested by protester is untimely when filed more than 10 days after protester's request for demonstration was granted by agency.

Unico, Inc., protests the award of a contract for word processing equipment to NBI Corporation under request for proposals (RFP) No. F41800-84-R7130 issued by the Air Force. Unico originally protested to our Office that the CompuCorp equipment which it offered was improperly rejected by the Air Force for failure to meet the RFP specifications. By letter dated March 6, 1985, Unico withdrew this protest as the Air Force had agreed to permit Unico to demonstrate its proposed equipment in order to ascertain whether it met all the specifications contained in the RFP.

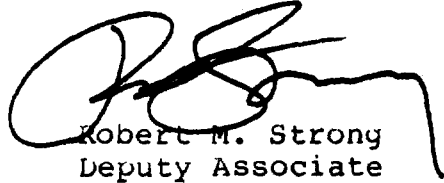
By letter dated March 29, Unico asked our Office to reinstitute its protest on the grounds that it was misled by the Air Force, which would not permit it to demonstrate that the equipment it was offering meets the RFP specifications. The Air Force responded that the contracting officer specifically offered to allow Unico to demonstrate the equipment offered on March 19, but that Unico advised that the equipment was unavailable and offered to demonstrate equipment other than that proposed. The Air Force declined this offer, but states that it remains willing to view a demonstration of the equipment which Unico actually proposed.

Unico now states that it will purchase the proposed equipment and provide it for testing when it arrives. Accordingly, this aspect of the protest is academic since the Air Force has agreed to provide the relief which is sought by Unico. Alan Scott Industries, B-217190, Dec. 18, 1984, 84-2 C.P.D. ¶ 681.

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In its comments on the agency report, Unico raises for the first time that it must bear undue expenses to prove that its equipment meets the specifications. Presumably, this refers to having to acquire the equipment in order to provide the demonstration. In view of the fact that it was Unico which requested the demonstration, we do not believe that this provides a legitimate basis for protest. In addition, since Unico agreed to withdraw its initial protest on March 6 in consideration of being permitted to provide such a demonstration and did not object to the expense until its comments were filed in our Office on April 29, more than 10 days thereafter, this aspect of the protest is untimely under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1985).

We dismiss the protest.



Robert M. Strong  
Deputy Associate  
General Counsel