

DECISION

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

Support
PL-I

FILE: B-219926**DATE:** September 26, 1985**MATTER OF:** Midwest Holding Corporation**DIGEST:**

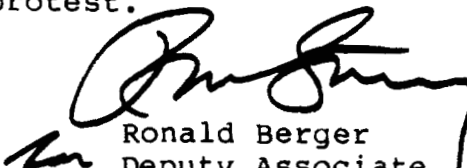
Protest against rejection of bid as nonresponsive and award to another firm is academic when the contract in question is being terminated for the convenience of the government because the contracting agency discovered after award that the specifications did not adequately describe its needs.

Midwest Holding Corporation protests the award of a contract to Tyler Refrigeration Corporation under solicitation No. N00250-85-B-0059, issued by the Navy Resale and Services Support Office. Midwest contends that the Navy improperly rejected its bid for three produce display cases as nonresponsive.

By letter dated September 11, 1985, the Navy advised our Office that after the award to Tyler, the government discovered that the specifications did not adequately describe its needs, since they did not include a requirement for slotted standards that would allow adjustments in shelf height. Therefore, the Navy states it intends to terminate Tyler's contract for the convenience of the government and resolicit.

Since the award under the original solicitation will be terminated and the requirement recompeted under a new solicitation, Midwest's protest concerning the rejection of its bid under the original solicitation is academic and will not be considered. Hill Aviation Logistics, B-218824, May 16, 1985, 85-1 CPD ¶ 560; Aviation Enterprises, Inc., et al., B-215662, et al., Oct 9, 1984, 84-2 CPD ¶ 392.

We dismiss the protest.


Ronald Berger
Deputy Associate
General Counsel

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