

**DECISION**



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

**FILE:** B-220268, B-220269 **DATE:** October 21, 1985

**MATTER OF:** Martin Widerker, Engineer

**DIGEST:**

Defensive protests filed prior to award and limited solely to the issue of the protesting firm's alleged nonresponsibility are dismissed as academic upon receipt of advice from contracting agency that protester is not the apparent low offeror and that for this reason the issue of protester's responsibility will not arise.

Martin Widerker, Engineer (Widerker), protests any negative determination of its responsibility which the Army may make concerning its offer in response to request for proposal (RFP) No DAJ06-85-R-0124 (GAO file, B-220268) and RFP No. DAJA37-85-R-0675 (GAO file, B-220269) issued by the U.S. Army Contracting Agency, Europe (Army).

Widerker's protests are defensive in nature and are intended to preserve Widerker's rights should GAO uphold the Army's negative determination of Widerker's responsibility under six other RFP's which Widerker is currently protesting (GAO files, B-219872.1 through B-219872.6).

The Army advises that Widerker is not the apparent low offeror under either RFP and that for this reason the issue of Widerker's responsibility will not arise rendering Widerker's two protests academic. We agree. The protest is academic since regardless of the outcome of these two protests, the protester is not in line for the contract award. See Universal Parts and Services, Inc., B-216767, B-216806, Dec. 12, 1984, 84-2 C.P.D. ¶ 660.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "Robert M. Strong".

Robert M. Strong  
Deputy Associate  
General Counsel

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