

DECISION



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

FILE: B-220191 **DATE:** October 24, 1985
MATTER OF: Commercial Office Environments

DIGEST:

Protest against an allegedly improper 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 awardee's offer appeared to be nonresponsive in several areas.

Commercial Office Environments protests the award of a delivery order to American Seating Company under request for quotations (RFQ) No. M38440-5718-3660, issued by the Marine Corps Logistics Base, Albany, Georgia. Commercial contends that it was impossible for American's offer to meet the specifications for office furniture because American's commercial price list does not contain several of the items requested by the RFQ. According to American, items must be so listed and approved by the General Services Administration for inclusion in Federal Supply Schedule furniture contracts.

We dismiss the protest.

By letter dated October 18, 1985, the Marine Corps advised our Office that after the award to American, it discovered that American's offer appeared to be nonresponsive in several areas. Therefore, the Marine Corps states, it intends to terminate American's contract for the convenience of the government, review the specifications, revise where necessary to reflect the agency's minimum needs, and resolicit.

Since the award under the original RFQ will be terminated and the requirement filled under a new solicitation for which the protester will have an opportunity to compete, Commercial's protest concerning the propriety of the award to American is academic and not for consideration. Hill Aviation Logistics, B-218824, May 16, 1985, 85-1 CPD ¶ 560.

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We dismiss the protest.



Ronald Berger
Deputy Associate
General Counsel