



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Arthur Young & Company--Reconsideration
File: B-221879.2
Date: July 11, 1986

DIGEST

Request for reconsideration is dismissed as academic where the basis for the reconsideration request is the existence of an allegedly improper subsequent procurement which is inconsistent with our prior decision and where the subsequent procurement action is canceled by the agency.

DECISION

Arthur Young & Company (AYC) requests reconsideration of our decision, Arthur Young & Company, B-221879, June 9, 1986, 86-1 CPD ¶ _____. In that decision, we denied AYC's protest which contested the sole-source award by the Department of the Navy of letter contract, No. NU0600-86-C-3072, to Coopers & Lybrand (CL) to partially implement operational improvements at various Naval Industrial Fund (NIF) activities based on recommendations developed by CL under a previous management analysis contract. We upheld the sole-source award because we found that the Navy, where compelled to do so by urgent circumstances, had the authority to limit the procurement to the only firm it reasonably believed could promptly and properly perform the work. Specifically, we found that the Navy reasonably determined that only CL had the immediate knowledge and experience to perform the work on time. We also stated, however, that we expected the "Navy, as it has represented to our Office, to continue to limit the sole-source portion of the [total] implementation effort to its immediate urgent needs." The sole-source portion of the implementation effort, as represented by the Navy to our Office, included shipyards, public work centers, and naval air rework facilities, but did not include ordnance stations.

AYC's sole basis for reconsideration is a synopsis which appeared in the June 6, 1986 edition of the Commerce Business Daily stating that an agency of the Navy intended to award a sole-source contract to CL for implementation of operational improvements at certain ordnance activities. AYC argues that this proposed contract action is inconsistent with the Navy's report to our Office that was filed during our consideration of the prior protest. AYC further states that the proposed procurement

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was probably initiated by personnel who were unfamiliar with AYC's prior protest and our decision on that protest.

We have been advised that the proposed contract action that forms the basis of this reconsideration request has been canceled. Accordingly, AYC's reconsideration request is dismissed as academic.



Ronald Berger
Deputy Associate
General Counsel