



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: OEA, Inc.  
File: B-226971  
Date: May 20, 1987

### DIGEST

Protest based on objection to contracting agency's technical evaluation of protester's proposal which led to protester's exclusion from competitive range is dismissed as academic where contracting agency decides to reopen competition and reevaluate proposal.

### DECISION

OEA, Inc. protests the rejection of its offer under request for proposals (RFP) No. 1-35-5531.1678, issued by the National Aeronautics and Space Administration (NASA) for a cost-type contract for research, development and application studies and reports relating to pyrotechnic devices. We dismiss the protest.

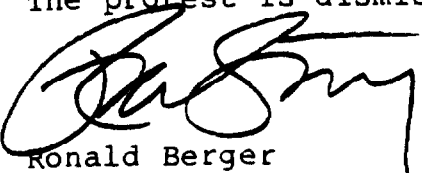
Initial proposals under the RFP were received from three offerors, Schimmel Company, Hi-Shear Technology Company, and OEA. After evaluating the proposals, NASA decided that only one offeror, Schimmel, should be included in the competitive range. After being advised that its proposal had been rejected, OEA filed a protest with NASA challenging the technical evaluation of its proposal. NASA denied OEA's protest; OEA then filed the protest with our Office.

In its report on the protest, NASA states that it now has decided to reopen the competition, include all three offerors in the competitive range, and conduct discussions with them, followed by an opportunity to submit best and final offers. Since the basis of OEA's protest is its objection to NASA's evaluation of its proposal which led to OEA's exclusion from the competitive range, we regard the protest as academic in light of NASA's decision to open the competition and reevaluate the proposals after discussions and submission of best and final offers. See Atkinson Dredging Co., B-218633, July 11, 1985, 85-2 CPD ¶ 41.

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In its comments on the agency report, OEA in effect requests that we keep the protest file open in order to examine NASA's reevaluation of OEA's proposal and suggests that a contracting activity other than that which issued the solicitation conduct the reevaluation. We have no basis upon which to recommend that a particular contracting activity conduct the evaluation. Such matters are totally within the agency's decision. Finally, we see no reason to keep our file open since any challenge to the reevaluation, which has not yet been performed, is premature. If, after it is completed, the reevaluation in OEA's view gives rise to grounds for protest, OEA at that time may file a new protest raising those grounds.

The protest is dismissed.



*for* Ronald Berger  
Deputy Associate  
General Counsel