



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Hartford Construction Corp.

File: B-235642

Date: July 7, 1989

DIGEST

Protest challenging contracting agency's initial refusal to allow public examination of bid documents immediately upon the conclusion of bid opening is dismissed where protester does not present any evidence of prejudice resulting from agency's action and the protester in fact was later allowed access to the documents.

DECISION

Hartford Construction Corp. protests the award of a contract to any bidder under invitation for bids (IFB) No. GS-01P-89-BX-C-0031, issued by the General Services Administration (GSA) for door repairs and emergency lighting at the J.W. McCormack Post Office and Courthouse Building in Boston, Massachusetts.

We dismiss the protest in accordance with 4 C.F.R. § 21.3(m) (1988), which provides that when the propriety of a dismissal becomes clear only after information is provided by the contracting agency, we will dismiss the protest at that time.

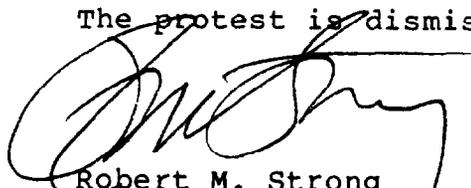
Immediately upon conclusion of the April 19, 1989, bid opening, Hartford's president asked to review the bid documents accompanying the two low bids. According to GSA, the contract specialist denied this request, with the approval of GSA's legal counsel, in order to insure that no confidential information contained in these documents would be released. After reviewing the regulations governing the release of bid information and determining that the information in the bid documents was in fact releasable, the contract specialist then telephoned Hartford's president, who had already left the bid opening site, leaving a message that he could now examine the bid documents. Although this message was left within an hour of bid opening, Hartford's president did not receive it until 6:30 p.m., after the close of business. Hartford's president contacted GSA the

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day following bid opening and received another invitation to inspect the bid documents; however, he declined to do so.

Hartford contends that the bid documents should have been made available for immediate examination at bid opening; therefore, all bids should be rejected now based on GSA's initial refusal to permit immediate public examination. Even though we agree with Hartford to the extent that it argues that GSA should have allowed the protester to inspect the bid documents upon its request, we see no basis to disturb the award under the IFB since Hartford has presented no evidence indicating that it suffered any prejudice as a result of the agency's initial refusal to allow public examination of the bid documents and the protester in fact was offered access to these documents within an hour after bid opening. See Cherokee Leathergoods, Inc., B-205960, Aug. 13, 1982, 82-2 CPD ¶ 129. Further, since we dismiss the protest, we have no basis to allow Hartford to recover its bid preparation and protest costs. See 4 C.F.R. § 21.6(d).

The protest is dismissed.



Robert M. Strong
Associate General Counsel