



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** NavQuest Aviation, Inc.

**File:** B-260316

**Date:** March 16, 1995

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### DECISION

NavQuest Aviation, Inc. protests the terms of invitation for bids (IFB) No. DACW57-95-B-0022, issued by the United States Army Corps of Engineers, for a quantity of Differential Global Positioning Systems (DGPS) to be used aboard various survey boats and dredges.


We dismiss the protest.

NavQuest filed the instant protest on February 3, 1995, alleging that the IFB contained unnecessarily restrictive specifications that only a single manufacturer could satisfy. In particular, NavQuest protested the frequency and tracking specifications applicable to the DGPS reference and remote station receivers. After filing its protest, NavQuest received a letter from the Corps via facsimile, which announced the agency's intention to amend the protested specifications and which asked NavQuest to withdraw its protest based upon the promised corrective action. On February 22, NavQuest replied that it wished to maintain its protest "to apply a little external motivation," and that it would not withdraw the protest "until the actions stated in [the agency's] fax are performed."

The Corps furnished an agency report in response to NavQuest's protest on March 14. In its report, the agency moves for summary dismissal of NavQuest's protest based upon the agency's decision to take corrective action. The Corps emphasizes that it intends to amend the specifications to remove the restrictions protested by NavQuest. The agency states that this amendment will take some time to develop, owing to the technical complexity of the issues raised; consequently, the agency has issued an IFB amendment, which indefinitely postpones bid opening until the technical specifications can be amended. Finally, the agency notes that it has sought comments from NavQuest's manufacturer to assist in developing the amended specifications.

Because the agency intends to amend the specifications to delete the protested restrictions, NavQuest's protest is academic. See Steel Circle Bldg. Co., B-233055; B-233056, Feb. 10, 1989, 89-1 CPD ¶ 139. Notwithstanding that the Corps will need some time to resolve the technical issues associated with amending the specifications, an agency's promise of corrective action is a sufficient basis for dismissing a protest as academic. See BTS Broadcast Television Sys., Inc.--Recon., B-239630.2, Sept. 19, 1990, 90-2 CPD ¶ 230. If NavQuest believes that the amendment ultimately issued by the agency forms a valid basis for protest, it may file a protest at that time. See PRC, Inc., B-233561.8; B-233561.9, Sept. 29, 1992, 92-2 CPD ¶ 215. Nevertheless, because the agency's promised corrective action renders the current protest academic, we decline to consider the matter further. See East West Research, Inc.--Recon., B-233623.2, Apr. 14, 1989, 89-1 CPD ¶ 379.

The protest is dismissed.

  
James A. Spangenberg  
Assistant General Counsel

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**B-260316**

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