

Westfall-McGrail



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Automated Power Systems, Inc.--
Reconsideration

File: B-261895.2

Date: August 10, 1995

DECISION

Automated Power Systems, Inc. requests reconsideration of our July 26, 1995, decision dismissing its protest of invitation for bids (IFB) No. DTCG36-95-B-B5B121, issued by the United States Coast Guard for solid state flashers. In its protest, Automated Power complained that the Coast Guard had failed to furnish it with a copy of the IFB. It also objected to the inclusion in the solicitation of certain Coast Guard specifications which it claims are ambiguous.

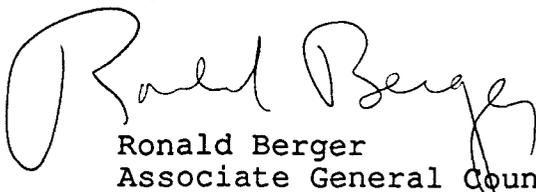
We dismissed the protest on the grounds that it was not based on an existing solicitation. In so ruling, we noted that under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (1988) and our Bid Protest Regulations, 4 C.F.R. S 21.1(a) (1995), the jurisdiction of our Office is limited to considering protests involving solicitations already issued by federal agencies and awards made or proposed to be made under those solicitations. We also noted that the Coast Guard had advised us that it anticipated issuing the IFB sometime between July 28 and August 4 and that it would furnish the protester with a copy once it had been issued.

In its request for reconsideration, the protester argues that the solicitation was effectively in existence at the time it filed its protest since the agency had clearly made a decision to proceed with its issuance, as evidenced by publication of a synopsis of the procurement in the Commerce Business Daily. We disagree. Although the agency had apparently decided to issue the solicitation it, in fact, has not done so. Also, the agency states that it will do so imminently, and that it will provide a copy to the protester. Since the solicitation had not been issued, there was no basis for the allegation that the agency failed to furnish a copy to the protester, or that it contained

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ambiguous specifications. In short, the protest allegations were simply premature.

The request for reconsideration is denied.


Ronald Berger
Associate General Counsel