
Office of the General Counsel

B-223642.2

September 8, 1986

Mr. A. W. Orlacchio
Dranetz Technologies, Inc.
1000 New Durham Road, CN-91
Edison, New Jersey 08818

Dear Mr. Orlacchio:

This responds to your telex, dated August 19, 1986, in which you request that we reconsider our dismissal of your protest under solicitation No. N00228-86-R-2110 issued by the Department of the Navy. In your protest, you alleged that the specifications were slanted towards another bidder. By letter dated August 7, 1986, the Navy informed our Office that the solicitation had been canceled and that a review of the specifications will be conducted. The Navy anticipates resoliciting the requirement when all specification questions are resolved.

We dismissed your protest as academic by notice dated August 19. Although you request that we continue to consider the case, we point out that had we agreed with your protest allegations, our recommendation for corrective action to the Navy would have been to review and revise the specifications. Since this action is already under way, no useful purpose would be served by our continued consideration of the matter. Furthermore, the Navy, in its review, may change the specifications in the manner you suggested or otherwise take action which alleviates your concerns, and under these circumstances, there is no reason for our Office to resolve the issues you raised.

Under our Bid Protest Regulations, 4 C.F.R. Part 21 (1986), we deal only with specific procurement actions, i.e. whether an award or proposed award complies with statutory, regulatory, and other legal requirements. Since the Navy no longer contemplates any award under the solicitation you protested,

our file will remain closed. However, we note that should you find the Navy's revised solicitation deficient, you may again protest to our Office at that time.

Sincerely yours,



Seymour Efros
Associate General Counsel