

Proc. I

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-193069

DATE: March 7, 1979

CNR 44881

MATTER OF: McCarthy Manufacturing Co., Inc.

[Protest of Resolicitation Dismissed as Premature]

DIGEST:

Where agency reports that solicitation must be revised and requirement resolicited, neither GAO nor protester has basis to question agency's determination at present because revised solicitation reflecting current requirements has not been issued. Accordingly, premature protest is dismissed.

McCarthy Manufacturing Co., Inc. (McCarthy), protests the Army's award of contract No. DABT11-78-C-0338 to Education Media Division, Inc. (EMD), for a language laboratory. McCarthy contends that its low offer was improperly rejected and that it was entitled to the award.

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The Army reports that a no cost termination agreement with EMD has been finalized and that the Government plans to revise the specifications to properly reflect current minimum needs and then resolicit the requirement. The Army argues that this action renders McCarthy's protest moot.

In reply, McCarthy agrees with the Army's termination of EMD's contract but McCarthy argues that since its offer met all the requirements of the initial request for proposals and since the requirement still exists, the Army should not resolicit but should make award to McCarthy under the initial solicitation.

The sole issue remaining is the propriety of the Army resolicitation for the language laboratory requirement. Long-established procurement policy dictates that changes in the Government's requirements must be reflected in the solicitation, even when these changes occur after receipt of

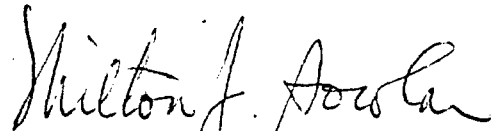
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proposals. Defense Acquisition Regulation § 3-805.4 (1976 ed.); Semiconductor Equipment Corporation, B-187159, February 18, 1977, 77-1 CPD 120; 53 Comp. Gen. 139 (1973). At this time, the Army has not revised the solicitation; accordingly, McCarthy would have no basis to challenge the Army's position and our Office has no information contrary to the Army's stated position.

The appropriate time for McCarthy to challenge the Army's decision to revise the solicitation is only after the Army issues the amended solicitation. At present, McCarthy's protest is premature. Imperial Products Company, Incorporated, B-188297, May 12, 1977, 77-1 CPD 340; Franklin Solid Waste Service, Inc., B-188961, June 22, 1977, 77-1 CPD 445.

Protest dismissed.



Milton J. Socolar
General Counsel