

Nebraska



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: American Metal & Plastics, Inc.

File: B-270145

Date: November 16, 1995

DECISION

American Metal & Plastics, Inc. protests the provisions of invitation for bids (IFB) No. DAAA09-95-B-0059, issued by Army Materiel Command for production and delivery of M548 ammunition boxes.

We dismiss the protest.

In its October 11, 1995, protest to our Office, American complains that the solicitation's specifications and technical data package contain various dimensional defects, a paint color discrepancy, a defective paint thickness requirement, a problematic corrosion resistance acceptance testing requirement, and defective paint cosmetic standards.

In response, the agency reports that the contracting officer is evaluating American's complaints and that changes to the solicitation appear to be in order, and that it is therefore issuing a solicitation amendment extending the bid opening date indefinitely.

We regard this protest as premature. By extending the bid opening date indefinitely, the agency in effect has suspended this procurement action until it considers the protester's complaints regarding the solicitation. Until the agency makes a final determination concerning the terms of the solicitation, American's protest merely anticipates that the agency will solicit bids under a defective solicitation. This Office does not consider protests that anticipate improper agency action. See Western States Management Servs., Inc., B-225125, Jan. 6, 1987, 87-1 CPD ¶ 14. When and if the agency resumes the active solicitation of bids by announcing a new bid opening date, American may file a protest at that time if it believes that the solicitation, as it then exists, is deficient in some manner. Prior to that time, no useful purpose would be served by our consideration of issues that may well be rendered academic by amendments to the solicitation.

The protest is dismissed.

Comptroller General
of the United States

Handwritten notes and signatures at the bottom of the page.

065193/155665