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**DECISION**



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

*[Protest of Bid Rejection]*

*40965*

FILE: B-181243

DATE: July 22, 1974

MATTER OF: Boston Pneumatics, Incorporated  
~~Procurement-FRWP-B6-68646-A-2~~

DIGEST: Upon receipt by protester of GAO letter advising that no further action would be taken on protest for failure to furnish details of the basis for its protest as requested by GAO, protester should have perceived the immediate need for furnishing such details and should not have waited nine working days to transmit a copy of pre-existing correspondence which protester claims to have previously mailed within the five day time period prescribed in GAO's initial request for such information.

The foregoing concern has requested that our file B-181243 be re-opened and a decision rendered as to its protest of the rejection of its bid by the General Services Administration (GSA).

By telefax of May 13, 1974, the protester advised our Office:

"We protest award of contract by GSA to ATI INC. under FPWP-B6-68646A-4-9-74. Letter follows."

By letter of May 17, 1974, our Office acknowledged receipt of the foregoing telefax and advised the protester that we were unable to determine on the basis of its telefax what further action, if any, was merited. Although section 20.2(c) of our Interim Bid Protest Procedures and Standards (4 CFR 20.2(c)) requires submission, within five days of filing the initial protest, of any additional statement necessary to support the protest, our letter of May 17 requested Boston Pneumatics to submit details of the basis for its protest by letter to be mailed within five working days from the date of receipt of our letter. We also advised that we would close our file and take no further action if we failed to receive such a letter.

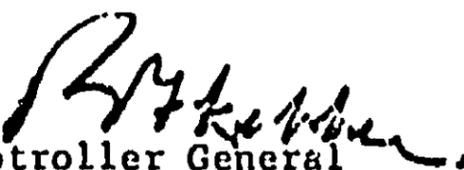
Having failed to receive the letter detailing the basis of the protest, the protester was advised by letter of June 6, 1974, which was received by the protester on June 10, that we were closing our file without further action.

On June 21, 1974, our Office received a handwritten letter of the same date from the protester, claiming that on May 25, 1974, it advised us in writing that the grounds for protest were that GSA incorrectly rejected its bid on the basis that the operating manuals were not submitted with the bid samples as required. Attached to the letter of June 21 were handwritten statements from various witnesses attesting to the fact that operating manuals were packaged together with the bid samples received by GSA. Also, a conference with this Office on the matter was requested.

With regard to the letter of May 25, 1974, our files do not evidence receipt thereof.

For the reasons stated below we do not believe any further action should be taken by this Office regarding this matter. On June 10 protester received our letter advising of the nonreceipt of the details of its protest as we had initially requested in our letter of May 17. We think the protester should have been fairly apprised in the circumstances of the immediate need for furnishing the details of its protest and that a period of five working days was normally permitted for doing so. Instead, protester waited nine working days to transmit a copy of its letter of May 25 together with the above-mentioned affidavits, each of which is dated May 20, 1974. In such circumstances, we do not believe the protester was justified in delaying this submission for nine working days, particularly since there appears to be no reason why the protester could not have mailed, on or about June 10, a copy of its pre-existing correspondence.

Accordingly, no further action will be taken with regard to this protest.

  
Acting Comptroller General  
of the United States