

TRANS

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DECISION



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

FILE: B-198801

DATE: June 18, 1980

MATTER OF: Century Industries, Inc.

DLB04828

DIGEST: [Protest INVOLVING ALLEGED Improper Award]

Protest based merely on protester's suspicion that agency may make improper award is premature.

Century Industries, Inc. protests award to the low bidder under solicitation F38601-79-R-0024 issued by Shaw Air Force Base in view of what Century perceives to be "the potential for award to a non-responsive bidder * * * and inadequate review in the evaluation process." Asked to furnish additional details regarding its allegations, Century has indicated that it is seeking copies of best and final offers submitted by other offerors through a Freedom of Information Act request, and in the circumstances, asks that "action on [the] protest be delayed until [the] requested material is received." AGCD

We understand that no award or decision to award has been made. Century has not explained why it believes that the Air Force is evaluating proposals improperly or plans to make a defective award, and thus is merely speculating as to what the Air Force may ultimately do.

We have recognized recently that it is not uncommon for a firm to lodge whatever protest it may have with this Office and still pursue an FOIA request with the procuring activity. For purposes of the timeliness rules, 4 C.F.R. § 20.2 (1980), we require only that a protester articulate its reasons for objecting to an agency action and in appropriate cases may defer action while FOIA processes are diligently pursued. Davey Compressor Company, B-195425, November 14, 1979, 79-2 CPD 351. However, such action is not appropriate where as here the protester appears to be unaware of its basis for protest, complains of no specific

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adverse agency action, but rather, attempts to pursue an FOIA request to determine whether a basis for protest exists. We believe such a protest is premature. Cf. Aero Corporation, B-194445.2, October 17, 1979, 79-2 CPD 262.

The protest is dismissed.

Harry R. Van Cleave
for Milton J. Socolar
General Counsel