

DECISION



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

FILE: B-219790.2 **DATE:** August 28, 1985
MATTER OF: Greyhound Support Services, Inc.

DIGEST:

Request for reconsideration of protest that was dismissed as untimely is denied. Although the protester characterizes its protest as one against the proposed contract award and contends that the protest is timely because the award has not yet been made, the only reason stated for objecting to the award is that the agency improperly rejected the protester's proposal, and that objection is untimely.

Greyhound Support Services, Inc. requests reconsideration of our dismissal of its protest under Department of Labor request for proposals (RFP) No. JCIX-85-18 for the Phoenix, Arizona Job Corps Center. We dismissed the protest as untimely because it was not filed within 10 working day after the basis of protest was known or should have been known, as required by our Bid Protest Regulations. 4 C.F.R. § 21.2(a)(2) (1985).

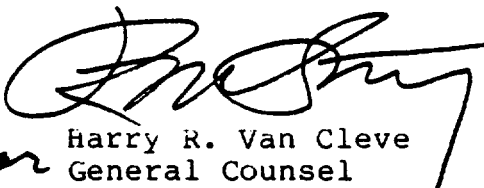
We deny Greyhound's reconsideration request.

Greyhound stated in its protest that it had been informed by letter from the contracting officer, dated June 7, 1985, that its proposal had been rejected as technically unacceptable. Greyhound specifically requested that our Office review those areas of its proposal which the contracting officer's letter identified as particularly weak, and stated that the rejection of its proposal appeared to be arbitrary. Since the protest was not filed with our Office until August 2, 1985, and Greyhound indicated that it received the contracting officer's letter on June 11, we concluded that Greyhound's protest was untimely.

In its request for reconsideration, Greyhound suggests that we misunderstood its basis for protest, which it now characterizes as the agency's proposed award to the incumbent contractor. Greyhound contends that since no award has yet been made, its protest cannot properly be considered untimely. We do not agree.

Even if we accept Greyhound's characterization of its protest as one against the contract award, the only basis it has ever articulated for objecting to the award is that its own proposal was improperly rejected. Since that basis of protest is clearly untimely, we find no reason to reconsider our prior dismissal. A protester simply is not entitled to wait until the contract is actually awarded before it protests agency action of which it has long been aware. See Delta Support Services, Inc., B-214639.2, Nov. 26, 1984, 84-2 CPD ¶ 550. To hold otherwise would render meaningless our requirements with respect to timeliness, which are designed to give protesters and interested parties a fair opportunity to present their cases with minimal disruption to the orderly and expeditious process of government procurement. See Pulaski Furniture Corp., B-206444.4, Feb. 23, 1983, 83-1 CPD ¶ 185.

The request for reconsideration is denied.


for Harry R. Van Cleve
General Counsel