

DECISION

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

FILE:

B-221234.2

DATE: January 9, 1986**MATTER OF:**Marathon LeTourneau Company--
Reconsideration**DIGEST:**

Where original protest is dismissed for failure to set forth a detailed statement of the legal and factual grounds of protest, request for reconsideration which contains a specific ground of protest must independently satisfy the timeliness requirement of the GAO Bid Protest Regulations.

Marathon LeTourneau Company (Marathon) requests reconsideration of our notice of December 5, 1985, in which we dismissed its original protest filed with our Office on December 4. We dismissed the protest because Marathon failed to provide a detailed statement of the legal and factual grounds of its protest.

We affirm the decision to dismiss the protest.

Marathon's protest concerned request for proposals (RFP) No. N00019-84-R-0079 issued by the Department of the Navy for ship-based aircraft salvage cranes. In its original protest to our Office, Marathon stated only that it objected to the award to Lake Shore, Inc., under the RFP because "this award is not in the best interest of the Federal Government." Marathon stated that additional information in support of its protest would be furnished upon receipt of information requested under the Freedom of Information Act (FOIA) from the contracting agency. Our Bid Protest Regulations require that a protest set forth a detailed statement of the legal and factual grounds of protest including copies of relevant documents, 4 C.F.R. § 21(c)(4) (1985), and provide for dismissal of any protest which fails to comply with that requirement, 4 C.F.R. § 21.1(f) (1985). Since Marathon failed to state in any detail its basis for objecting to award to Lake Shore, we dismissed the protest.

In its request for reconsideration, Marathon provides a more detailed discussion of the basis of its protest. Marathon now contends that the Navy improperly determined

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its offer deficient because its proposed design exceeded certain specified requirements. Our regulations, however, do not contemplate a piecemeal presentation of arguments or information. Thus, we will not open our file on this matter unless Marathon's request for reconsideration independently constitutes a timely complete protest. See Delta Petroleum Company, Inc., B-220054.2, Oct. 2, 1985, 85-2 CPD ¶ 374.

Marathon's protest concerning the evaluation of its offer, considered independently of its first submission to our Office filed on December 4, is untimely. By letter of December 2, the contracting agency notified Marathon of the award to Lake Shore and of the deficiency in Marathon's proposal. Marathon apparently received that letter by December 3, the date it prepared its protest to our Office and its FOIA request to the Navy. Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2), Marathon's protest to our Office had to be filed within 10 working days after the basis of protest is known or should have been known, whichever is earlier. Marathon's request for reconsideration in which it first challenged the Navy's evaluation of its offer was not filed with our Office, however, until December 23, more than 10 working days after its receipt of the notice of award on December 3 and, thus, is untimely. See WAECO Power, Inc., B-218036, Feb. 13, 1985, 85-1 CPD ¶ 224.

We note that, in its request for reconsideration, Marathon states that it has yet to receive the information requested under the FOIA relating to the award to Lake Shore and it intends to file further details with our Office when that information is received. A protest based entirely on materials received pursuant to an FOIA request will be considered timely if filed within 10 working days of the protester's receipt of information upon which its protest is founded and the protester diligently pursued the release of information under the FOIA. Quality Inn - Reconsideration, B-217014.2, Jan. 28, 1985, 85-1 CPD ¶ 110. Accordingly, Marathon may refile its protest at a later date if it obtains information based on its FOIA request which meets the above-stated review standard.

for Seymour Efron
for Harry R. Van Cleve
General Counsel