



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Arndt & Arndt
File: B-223473
Date: September 16, 1986

DIGEST

Protest is dismissed where protester failed to detail its protest basis until filing its comments on the agency report, more than 2 months after the protest was initially filed, although protester could have done so at the time the protest was filed.

DECISION

Arndt & Arndt protests the Department of the Army's placement of a number of requisitions under Federal Supply Schedule (FSS) contract No. GS00F68581, held by American of Martinsville (American), and the rejection of Arndt's unsolicited proposal to supply furniture and furnishings for the rehabilitation of the Army Transient Hotel in Karlsruhe, Germany (Hotel).

We dismiss the protest.

On June 18, 1986, Arndt filed a protest against the award of "appropriated funds to American . . . to be processed by GSA furniture commodity center for rehabilitation of Army Transient Hotel in Karlsruhe, Germany." On June 24, Arndt filed a supplemental letter stating that it submitted a proposal for the rehabilitation of the Hotel, and that the Arndt proposal was rejected. Arndt thereby protested the rejection of its proposal.

In its report on the protest to our Office, the Army states that the furniture and furnishings were requisitioned under the FSS because they were less costly than those offered by Arndt.

The General Services Administration (GSA) also provided a report on Arndt's protest. GSA states that Arndt does not submit any evidence concerning why the rejection of its unsolicited proposal would be wrong, or why the Army's

orders (requisitions) placed under an existing GSA multiple award schedule contract are improper. GSA therefore argues that Arndt's protest should be dismissed under section 21.1(f) of our Bid Protest Regulations, 4 C.F.R. part 21 (1986), because the protest fails to set forth a detailed statement of the legal and factual grounds of protest as required by section 21.1(c)(4) of the Regulations.

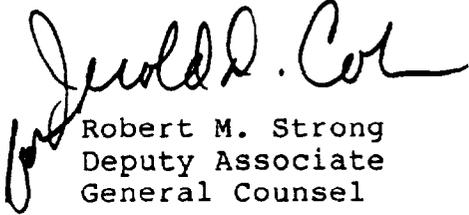
As stated above, according to the Army, requisitions were properly made for the furniture under the FSS contract after determining that the FSS prices were lower than those offered by Arndt. In its comments on the Army's and GSA's reports recommending dismissal of Arndt's protest, Arndt does not take issue with the Army's decision to requisition under the FSS based on lower cost, but instead Arndt raises for the first time the questions of whether when appropriated funds are spent in making orders under multiple award FSS contracts the orders must be approved by a contracting officer holding a warrant, and in cases of orders exceeding \$25,000, whether competitive proposals must also be obtained. These, Arndt states, are the issues in its protest on which it wishes a ruling.

Our Bid Protest Regulations require that a protest based on other than alleged solicitation improprieties be filed not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Further, where a protester initially files a timely protest and later supplements it with new and independent grounds of protest, the later-raised allegations must independently satisfy these timeliness requirements. Baker Company, Inc., B-216220, Mar. 1, 1985, 85-1 C.P.D. ¶ 254. Our Bid Protest Regulations were designed to provide equitable procedural standards so that all parties have a fair opportunity to present their cases and have them expeditiously resolved without unduly disrupting or delaying the procurement process. See Hartridge Equipment Corp.--Request for Reconsideration, B-219982.2, Oct. 17, 1985, 85-2 C.P.D. ¶ 418. Our Regulations, therefore, generally do not permit the piecemeal development of protest issues. Sun Enterprises, B-221438.2, Apr. 18, 1986, 86-1 C.P.D. ¶ 384.

Since Arndt, in its comments, does not take issue with the Army's decision to requisition under the FSS due to the lower cost when compared to the Arndt proposal, this issue, which appeared to be the basis of Arndt's protest initially, is deemed abandoned. See The Big Picture Co., Inc., B-220859.2, Mar. 4, 1986, 86-1 C.P.D. ¶ 218. Moreover, the bases for

protest now articulated by Arndt in its comments on the two agency reports cannot be derived from any reasonable reading of its initial protest, filed more than 2 months earlier. In the absence of any indication as to why the arguments now raised by Arndt in its comments could not have been made when Arndt filed its initial protest, they are untimely and not for consideration. Modern Aircraft Service, B-217352, Mar. 27, 1985, 85-1 C.P.D. ¶ 358.

The protest is dismissed.



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