



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Bonnie, Bonnie & Horowitz  
File: B-226583.2  
Date: April 16, 1987

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### DIGEST

Where protester waits more than 7 months after filing a protest with the contracting agency before it files a protest with General Accounting Office (GAO)--even though the agency never replied to its protest--the protester did not diligently pursue the matter, and its protest to GAO is untimely.

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### DECISION

Bonnie, Bonnie and Horowitz request reconsideration of our dismissal of its protest against the Department of Health and Human Services (HHS) award to another firm under solicitation No. HRSA-240-BHCDA-94(6) for dental services. We dismissed Bonnie's March 24, 1987, protest to this Office as untimely because the firm did not diligently pursue this matter after initially filing an agency-level protest in July 1986, to which it received no response. See 4 C.F.R. § 21.3(f) (1986).

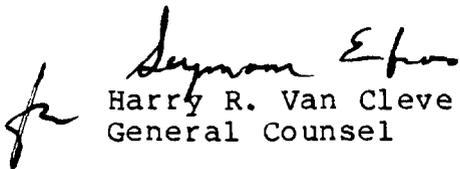
On reconsideration, Bonnie argues that we should consider its protest to this Office as timely. Bonnie points out that upon notification of award to another firm on July 1, 1986, it timely filed an agency-level protest. Bonnie also points out that when it did not receive a response to that protest several weeks after it was filed, the firm requested a debriefing to obtain information on its protest. Bonnie states that on numerous occasions it has tried without success to obtain confirmation from HHS of receipt of its protest and debriefing request. Bonnie concludes that since it never received any agency response to its protest or request for debriefing, we should consider this matter.

When a protest initially has been filed with the contracting agency, the protester is not permitted to delay filing a subsequent protest with our Office until it eventually receives a decision from the contracting agency. Rather, a protester may wait only a reasonable time for a contracting agency's response before filing a protest here.

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Rather, a protester may wait only a reasonable time for a contracting agency's response before filing a protest here in order to be timely. See REACT Corporation, B-219642, Aug. 22, 1985, 85-2 CPD ¶ 215 (protest dismissed where protester waited 3 months to file at the General Accounting Office). Here, despite the fact that Bonnie knew in July 1986, that award had been made to another firm and that firm presumably was performing, Bonnie waited more than 7 months after receiving no response to its agency level protest to file a protest here. Under these circumstances, Bonnie failed to diligently pursue this matter.

Our prior dismissal is affirmed.

  
Harry R. Van Cleve  
General Counsel