



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Professional Carpet Service

File: B-232255

Date: September 9, 1988

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### DIGEST

Where protester waits more than 6 months before requesting information (pursuant to the Freedom of Information Act) which will form the basis of its protest, protester has failed to diligently pursue such information and protest is dismissed as untimely.

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### DECISION

Professional Carpet Service protests the award of contract No. GS11P-87-YP-M5114 to Modern Carpets, Inc. by the General Services Administration for the installation of carpeting in various portions of a United States Marshals Service facility located in Washington, D.C. Professional Carpet argues that the award to Modern Carpets was at a price substantially higher than the price it offered and requests that we award it the total amount of its bid plus interest as damages. We dismiss the protest and deny the claim.

Professional Carpet submitted its quote for the contract in question on July 31, 1987, in response to an oral request for quotations which was issued pursuant to the small purchase procedures outlined in the Federal Acquisition Regulation (FAR) part 13. Thereafter, on February 10, 1988, the protester filed a Freedom of Information Act (FOIA) request with the administrative assistant to the Marshals Service requesting the name of the firm to whom award had been made and the amount of the firm's quote. Professional Carpet received a response to its FOIA request on July 29, 1988, and subsequently filed its protest in our Office within 10 days of that date.

We find that Professional Carpet's protest is untimely. Our Bid Protest Regulations require that protests be filed within 10 days of when a protester knew or should have known

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of its basis of protest. 4 C.F.R. § 21.2(a)(2) (1988). To the extent that a protest is based upon information received pursuant to a protester's FOIA request, that request must be made within a reasonable time. Stated differently, a protester must diligently pursue information which forms the basis of its protest. See, e.g., Atrium Building Partnership--Second Request for Reconsideration, B-228598.3, May 18, 1988, 88-1 CPD ¶ 466. Within the context of this case, we do not think that waiting more than 6 months to submit a FOIA request constitutes diligent pursuit on the part of Professional Carpet.

In addition, we are aware of no legal authority to support Professional Carpet's claim for reimbursement of its bid price plus interest. To the extent our Office makes monetary awards in connection with bid protests, such awards are limited to bid or proposal preparation costs and bid protest costs. 4 C.F.R. § 21.6(d). In any event, we will not consider a claim for such costs which is submitted in connection with an untimely protest. BarbeePardo Architects, B-231075, May 6, 1988, 88-1 CPD ¶ 444.

We dismiss the protest and deny the claim.

  
for Ronald Berger  
Deputy Associate  
General Counsel