



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: United States Motor Corporation  
File: B-233905  
Date: January 11, 1989

### DIGEST

When a protester waits 4 months for a reply to an initial protest to a contracting agency before it files a protest with the General Accounting Office (GAO), the protester did not diligently pursue the matter and its protest with GAO is untimely.

### DECISION

United States Motor Corporation (US Motor) protests the award of a contract to Curtis Engine and Equipment, Inc. (Curtis), under request for proposals (RFP) No. N00189-87-R-0542, issued by the Naval Supply Center, for diesel engines. US Motors claims that the engine offered by Curtis and accepted by the contracting agency exceeds the RFP's specification for maximum Brake Mean Effective Pressure (BMEP).

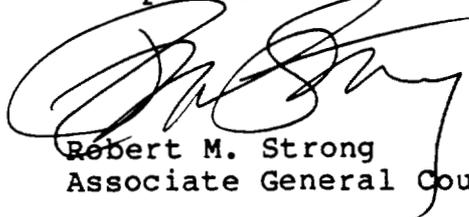
On June 16, 1988, US Motors learned through the Commerce Business Daily that a contract under this RFP had been awarded to Curtis. On June 21, US Motors wrote to the contracting agency requesting identification of the engine proposed by Curtis. On August 16, US Motors was informed that the offered engine was the Cummins NT855G3, a turbocharged engine without intercoolers. According to US Motors the Cummins NT855G3 has a BMEP of 152.85 PSI while the RFP allowed a maximum BMEP of 140 PSI for turbocharged engines without intercoolers. On August 16, US Motors protested to the contracting agency citing the above-mentioned problem with the awardee's offered product. As of December 15, US Motors had not received a decision from the contracting agency. US Motors filed this protest with our Office on December 19.

A protester is not permitted to delay filing a 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

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filing a protest here in order to be timely. Sacramento Metropolitan Officials Assoc., B-230563, Mar. 16, 1988, 88-1 CPD ¶ 274; Bonnie, Bonnie & Horowitz, B-226583.2, Apr. 16, 1987, 87-1 CPD ¶ 419. Previously, we have dismissed protests where a protester waited 3 months to file at the General Accounting Office after having filed an initial protest with the agency. Sacramento Metropolitan Officials Assoc., B-230563, supra; REACT Corp., B-219642, Aug. 22, 1985, 85-2 CPD ¶ 215. Here, US Motors waited 4 months to file a protest with our Office. In our opinion, the protester has failed to diligently pursue this matter and, therefore, the protest will not be considered.

The protest is dismissed.



Robert M. Strong  
Associate General Counsel