



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Finkelstein Associates, Inc.
File: B-237441
Date: November 22, 1989

DIGEST

Protester who waits more than 6 weeks after it was notified of award and contract price, and 5 weeks after debriefing, to submit Freedom of Information Act request for information concerning possible grounds of protest, has failed to diligently pursue such information, and protest subsequently filed is therefore untimely.

DECISION

Finkelstein Associates, Inc. (FAI), protests the award of a contract to Basic Technology Corporation (BTC) under request for proposals (RFP) No. N00600-89-R-0076, issued by the Navy for advanced logistics technology and related engineering support services. FAI principally contends that BTC submitted an unrealistically low cost proposal.

We dismiss the protest as untimely filed.

FAI states that it was informed by the Navy on July 18, 1989, of a proposed award to BTC under the RFP. The protester also states that on July 26, it received another letter from the Navy indicating that award had been made to BTC in the amount of \$11,874,663. By letter of July 19, FAI requested a debriefing from the contracting officer, which was held on August 3. Thereafter, on September 8, the protester filed a Freedom of Information Act (FOIA) request with the Navy seeking information concerning the contract award to BTC. FAI received a response to its FOIA request on October 2 and filed its protest with our Office on October 13 based upon the FOIA information received.

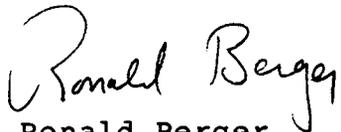
We have held that a protester's failure to pursue its protest by seeking within a reasonable time the information which reveals the basis for protest requires rejection of

~~047179~~ 140105

the protest as untimely. J&J Maintenance Inc., B-223355.2,
Aug. 24, 1987, 87-2 CPD ¶ 197. In National Council of
Senior Citizens, Inc., B-196723, Feb. 1, 1980, 80-1 CPD
¶ 87, we held a protest untimely because of the protester's
failure to file a request under FOIA until more than 5 weeks
after it received notice that its proposal was rejected.

The protester here waited until more than 6 weeks after it
was notified of the award and contract price to file its
FOIA request, which was also more than 5 weeks after the
debriefing. Although FAI asserts that its protest is based
upon information obtained in response to its FOIA request,
it obviously did not diligently file its FOIA request.
Under the circumstances, we view FAI as not having pursued
within a reasonable time the information upon which its
protest allegedly is based. Accordingly, we regard FAI's
protest as untimely.

The protest is dismissed.



Ronald Berger
Associate General Counsel