



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: California Properties Incorporated

File: B-241120

Date: December 13, 1990

Patrick Loman for the protester.
Harry L. Carey, Esq., Department of Housing and Urban
Development, for the agency.
John Formica, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest that the Department of Housing and Urban Development lost the protester's quotation is dismissed as untimely because the protester failed to diligently pursue the information on which the protest is based by waiting 5 months before attempting to verify the contracting officer's receipt of the quotation, and 4 months between inquiries as to the status of the procurement.

DECISION

California Properties Incorporated (CPI) protests the refusal of the Department of Housing and Urban Development (HUD) to consider its quotation and the award of purchase orders to three firms under request for quotations (RFQ) No. DU-209-Q-90-0002, issued by HUD for direct endorsement technical reviews.^{1/} CPI contends that because the agency lost its initial response to the RFQ, it must consider for award a copy of the quote submitted approximately 5 months after the due date and 2 months after purchase orders, under the RFQ, had been issued.

We dismiss the protest.

The RFQ was issued on March 19, 1990, and as amended requested that quotes be submitted by April 6.

^{1/} Direct endorsement technical reviews involve the review of loan documentation submitted by lenders which are performing the underwriting functions associated with the insurance of single-family homes by HUD.

According to the protester, on April 6, during a meeting unrelated to the solicitation, its representative gave its quote to a HUD employee with the understanding that the quote would be delivered to the address specified in the solicitation. The HUD employee delivered the quote to a secretary at the proper address, but it was then apparently lost as it was never received by the contracting officer.

The contracting officer received 25 quotes in response to the solicitation, and after recording them the contracting officer forwarded the quotes to the agency's Housing Division for technical review. On July 1, the contracting officer issued purchase orders to three firms.

On August 30, the protester contacted the contracting officer and was informed that HUD had no record of a quote from CPI, and that purchase orders for the services had been issued on July 1. On August 31, the protester sent via facsimile transmission a copy of its quote, and a letter requesting that it be considered. The contracting officer refused to consider the quote on the grounds that it was not timely received, and that purchase orders for the necessary services had already been issued. CPI then filed this protest with our Office.

Our Bid Protest Regulations require that protests be filed not later than 10 days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1990). In order to avoid having its protest dismissed as untimely, a protester cannot sit idly by while awaiting information that provides the basis for its protest, but instead must diligently pursue the information within a reasonable time. American Electro-Coatings Corp., B-225417, Oct. 28, 1986, 86-2 CPD ¶ 487.

The protester states that on April 9 it telephoned the HUD employee who had agreed to deliver the quote and was told it had been delivered to the proper office. The protester also says that approximately 3 weeks later it "checked the status of the contract with HUD staff." According to the record, the protester's next contact with the agency was an August 30 telephone call to the contracting officer. This telephone call, made nearly 5 months after the protester's quote was submitted, was the first inquiry by the protester as to whether the quote had in fact been received and considered by the contracting officer.

We conclude that the protester failed to diligently pursue the information on which its protest is based--that is, that the agency lost its quote and thus failed to consider it--by waiting nearly 5 months after it submitted the quote to check

to see if it was actually received by the contracting officer. See American Electro-Coatings Corp., B-225417, supra. Further, the protester was responsible for keeping apprised of status of award under the solicitation, and it thus was not reasonable for the protester to allow a lapse of more than 4 months between inquiries to the agency regarding this procurement. See John W. Gracey, B-232156.2, Jan. 23, 1989, 89-1 CPD ¶ 50.

The protest is dismissed.



John Brosnan
Assistant General Counsel