



Comptroller General  
of the United States

Washington, D.C. 20548

Williams  
12/20/91

## Decision

**Matter of:** Harold Walters & Associates--Reconsideration

**File:** B-243647.4; B-246327

**Date:** December 20, 1991

Harold Walters for the protester, Paula A. Williams, Esq., and Paul I. Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Request for reconsideration of prior dismissal of protest as untimely is denied where protester waited more than 6 months after he knew that solicitation was canceled to file protest during which time he did not pursue information which allegedly provides basis to protest the cancellation.

### DECISION

Harold Walters & Associates requests reconsideration of our dismissal of its protest challenging the partial cancellation of request for proposals (RFP) No. 17-91-053, issued by the Department of Housing and Urban Development. The solicitation sought property management services for single family properties located in a geographic area designated as Area 5. The protester had contended that the cancellation was improper and that as the low offeror he was entitled to the contract award.

We deny the request for reconsideration.

Mr. Walters' initial protest, which was filed in our Office on October 11, 1991, was dismissed as untimely because the protest submission indicated that the protester had not filed his protest within 10 working days after he knew, or should have known, the basis for his protest, as required by our Bid Protest Regulations, 4 C.F.R. § 21.2 (a) (2) (1991). The record indicates that Mr. Walters was informed by agency letter dated April 10, that the solicitation was canceled and that a contract would not be awarded.<sup>1</sup>

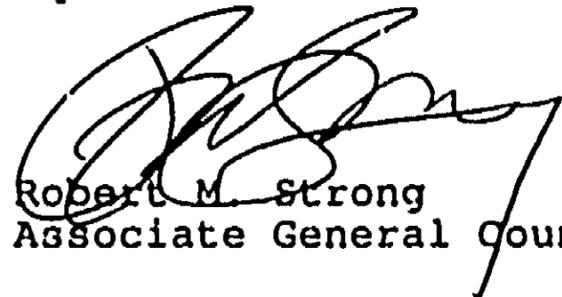
<sup>1</sup>The agency also subsequently advised the protester that a protest had been filed in our Office by another offeror. Mr. Walters did not file any comments regarding that protest, which was denied by our Office on September 18. DGS Contract Servs., B-243647.2, Sept. 18, 1991, 91-2 CPD ¶ 258.

In his request for reconsideration, the protester alleges that he did not learn the "truth," regarding the agency's basis for cancellation until October 7. Thus, he contends that his protest filed with our Office on October 11 was timely.

In order to avoid having its protest dismissed as untimely, a protester must diligently pursue the information which forms the basis of its protest. See Illumination Control Sys., B-237196, Dec. 12, 1989, 89-2 CPD ¶ 546. Because Mr. Walters waited more than 6 months without requesting information about why the solicitation was canceled, the protester failed to diligently pursue the information, and its protest was properly dismissed as untimely. Herman Miller, Inc., B-237550, Nov. 7, 1989, 89-2 CPD ¶ 445. We also note in this regard that the agency's basis for cancellation was addressed at length in the DGS Contract Servs., protest submissions and decision--under which Mr. Walters had elected not to participate.

Mr. Walters also has protested agency resolicitation of the requirements for Area 5. Since the only basis for this protest is Mr. Walters' allegation that the initial solicitation was improperly canceled--which we will not consider since it was untimely raised--this allegation is not for consideration because it does not provide a valid basis for protest. 4 C.F.R. § 21.3(m).

The request for reconsideration is denied.



Robert M. Strong  
Associate General Counsel