



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: RMS Industries
File: B-250496; B-250501; B-250504
Date: November 2, 1992

Richard M. Snyder for the protester.
Catherine M. Evans, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest of agency's failure to answer protester's questions about request for quotations is dismissed for failure to state a legally sufficient basis where protester has not explained what information it was seeking or why this information was necessary for the preparation of a quotation.

DECISION

RMS Industries protests the agency's failure to address its questions about requests for quotations (RFQ) Nos. DLA400-92-T-N622, -N471, and -N618, issued by the Defense General Supply Center.

We dismiss the protests.

The date set for receipt of quotations under RFQ No. -N471 was September 26, 1992; quotations under RFQ Nos. -N622 and -N618 were due by September 27, 1992. On September 21, RMS telephoned the contracting officer to request information about the item descriptions in the solicitations. The contracting officer allegedly refused to provide the information over the phone, stating that she was required to answer such questions in writing and provide the answers to all other prospective offerors. RMS then asked the contracting officer to send the information by telefacsimile in view of the impending closing dates. According to RMS, the contracting officer refused to do so. RMS filed these protests on September 24, alleging that the contracting officer's refusal to provide the requested information was an attempt to keep RMS from submitting quotations.

Our Bid Protest Regulations provide that a protest shall include a detailed statement of the legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4) (1992), and that

the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). This requirement contemplates that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood of the protester's claim of improper agency action. Professional Med. Prods., Inc., B-231743, July 1, 1988, 88-2 CPD ¶ 2. RMS has not met this standard, as it has not stated what information it was seeking or why this information was necessary for RMS to prepare its quotation. Without details as to the nature of the requested information, we have no basis to conclude that the contracting officer's refusal to furnish the information might have been improper such that our initial consideration of the matter (in the form of a request for a report from the contracting agency) is warranted. See Cajal Defense Support Co.--Recon., B-240477.2, Sept. 14, 1990, 90-2 CPD ¶ 215.¹

The protests are dismissed.



John M. Melody
Assistant General Counsel

¹Because we reach this conclusion, we need not address the question of whether the agency was required to furnish the requested information in the requested manner by a certain time.