

Gorczycki



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

15:35

Decision

Matter of: Automated Power Systems, Inc.--
Reconsideration

File: B-256738.2

Date: May 4, 1994

DECISION

Automated Power Systems, Inc. requests reconsideration of our dismissal of its protest of invitation for bids (IFB) No. DTCG36-94-B-B5B003, issued by the United States Coast Guard, Department of Transportation. We dismissed Automated Power's protest because it failed to set forth a detailed statement of the legal and factual grounds of protest.

We affirm the dismissal.

Automated Power filed a protest of this IFB prior to bid opening generally alleging that the IFB contained improprieties, but failing to identify any specific impropriety. The protest stated that Automated Power would provide the details of the alleged improprieties at some future date. Thus, the protest, as submitted, failed to state sufficient factual and legal grounds sufficient, if uncontradicted, to establish the likelihood that the protester would prevail in its claim of improper agency action. We dismissed the protest for failing to comply with the protest filing requirements of our Bid Protest Regulations, 4 C.F.R. §§ 21.1(c)(4), 21.1(e) (1993).

Automated Power requests that we consider the protest because the protester allegedly identified specific improprieties in the IFB to the Coast Guard prior to filing its protest (although it still does not specify these alleged improprieties), and thus, the Coast Guard would allegedly identify the specific allegations made by the protester in the Coast Guard's report on the protest. Even if we accept this statement as true, the fact remains that the protest to our Office did not contain sufficient factual or legal information as required by our Bid Protest Regulations and was therefore properly dismissed. See 4 C.F.R. § 21.1(f). Any other approach would permit a protester to present material necessary to support filing a

059856 / 151572

protest in a piecemeal fashion and possibly disrupt the procurement process indefinitely. Robert Wall Edge--Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

The dismissal is affirmed.¹



John M. Melody
Acting Associate General Counsel

¹In this request for reconsideration, Automated Power also references agency actions under two prior procurements, contract No. DTCG-91-C-00013 and IFB No. DTCG36-92-B-00050. We note that protests of different procurements should be separately filed and failure to do so may be cause for dismissal. See 4 C.F.R. §§ 21.1(e), 21.1(f). In any event, the agency advised us that contract No. DTCG-91-C-00013, awarded to Automated Power, was eventually terminated for convenience, and the contract file was closed on August 21, 1992, whereupon a contract was awarded to the low bidder under IFB No. DTCG36-92-B-00050, which has been fully performed and the contract file was closed on April 9, 1993. Since the dates when Automated Power could have timely submitted protests on these procurement actions has long since passed, see 4 C.F.R. § 21.2(a)(2), it cannot protest these actions.