

*Mr Stone*  
*Proc I*  
*19378*

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-198454

DATE: July 22, 1980

MATTER OF: ECON, Incorporated

**DIGEST:**

Protest against agency denial of prospective offeror's request for extension of closing date to consider amendment is denied where amendment was not "critical," there is no evidence of deliberate attempt to prevent offeror from submitting proposal, and adequate competition is obtained.

*Protest of*  
*Agency Refusal*

ECON, Incorporated (ECON), has protested the refusal of the Environmental Protection Agency (EPA) to extend the closing date for initial proposals under request for proposals (RFP) No. DU-80-B079.

The RFP was issued on March 14, 1980, with a closing date of April 14, 1980, and called for the development of an economic benefit model for pollution effects on materials. The RFP contemplated the use of existing damage functions as a basis for designing the model. These functions mathematically relate the amount of damage to materials to the amount of pollution in the air. ECON requested references to or definitions of existing damage functions in a phone call to a contracting official on March 19, 1980. This request was refused because the project officer advised that information on the functions was in open literature; the project officer preferred that the offerors have and demonstrate their own knowledge and experience since the RFP's technical evaluation criteria emphasized those matters. ECON was so advised but was unsatisfied and renewed its request for references. At this point, EPA decided to issue a partial listing in an amendment to the RFP.

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The amendment was mailed to all prospective offerors on the source list on March 27, 1980, 17 calendar days prior to the closing date; ECON received the amendment on April 4, 1980, 10 calendar days prior to the closing date. ECON verbally requested an extension of the due date on April 7, 1980, but this request was denied.

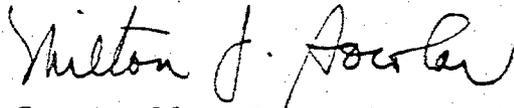
ECON argues that there was insufficient time to respond to the solicitation after receipt of this "critical" amendment.

EPA denies that the amendment was "critical" since it was not a correction of an ambiguity or change in requirements. The agency cites On-Line Systems, Inc., B-193126, March 28, 1979, 79-1 CPD 208, where our Office found no need for an extension, in part, since an amendment merely "refined the agency's requirements \* \* \* without altering the thrust of the RFP." EPA contends that this amendment did not add or modify requirements but instead simply provided a list of references readily available in open literature which should have been known by any offeror with requisite knowledge and experience to compete effectively for award. Further, the agency notes that the amendments were mailed to all prospective offerors simultaneously, only ECON requested an extension, and three proposals were received--all of the above indicating adequate time to respond.

The procurement activity discharges its responsibility when it issues and dispatches an amendment in sufficient time to permit all prospective offerors time to consider such information in submitting proposals, notwithstanding delay or even loss of a particular firm's copy of the amendment. CompuServe, B-192905, January 30, 1979, 79-1 CPD 63. If an offeror fails to receive a material amendment in a timely manner, this Office will not sustain a protest against denial of an extension of the closing date or require resolicitation where there is no evidence of a deliberate attempt to prevent the offeror from submitting a proposal. CompuServe, supra; Target Communications, Inc., B-191137, May 10, 1978, 78-1 CPD 356.

We subscribe to the above EPA reasoning in support of its actions, and the record does not indicate that there was a deliberate effort to prevent ECON from submitting a proposal. In addition, ECON was advised well in advance of the closing date of the ready availability of the requested information but was unwilling or unable to take advantage of this advice. Consequently, EPA's refusal to extend the closing date was not improper.

Accordingly, the protest is denied.



For the Comptroller General  
of the United States