

DECISION



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

FILE: B-216166

DATE: September 10, 1984

MATTER OF: Maceto Inc.

DIGEST:

Protest that contracting agency improperly delayed awarding contract within bid acceptance period is summarily denied since the Defense Acquisition Regulation (DAR) does not require that an award be made within the bid acceptance period and the DAR specifically permits an agency to request a bid extension where administrative difficulties delay an award beyond the bidder's acceptance period.

Maceto Inc. (Maceto) protests that Department of the Navy's failure to award a contract under solicitation No. N00140-83-R-1434. Maceto contends that the Navy has requested four extensions of its original bid with no explanation given for these delays. Maceto argues that the Navy should be required to immediately open the bids and award the contract.

We deny the protest summarily. We do so without obtaining a report from the contracting agency since it is clear from the information furnished by Maceto that the protest is without legal merit. U. S. Air Tool Co., Inc., B-214159, Feb. 14, 1984, 84-1 C.P.D. ¶ 200.

The Defense Acquisition Regulation (DAR) does not require an award within the initial bid acceptance period and the Navy could properly request a bid extension. DAR, § 2-404.1(c), reprinted in 32 C.F.R. pts. 1-39 (1983), specifically permits an agency to request an extension of the bid acceptance period in order to avoid the need for readvertisement where administrative difficulties delay an award beyond the bidder's acceptance period. Barton Contracting Company, B-211355, April 15, 1983, 83-1 C.P.D. ¶ 420. We note that the government has no right, however, to a bid extension. It is for each bidder to decide whether it wishes to continue to have its bid considered by extending its bid.

Milton J. Fowler

Acting Comptroller General
of the United States