



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gateway Inn--Request for Reconsideration
File: B-224353.2
Date: September 10, 1986

DIGEST

General Accounting Office need not resolve issue of propriety of dismissal of protest for failure to provide designated personnel of contracting agency with copy of the protest within 1 day. Protest is dismissed as premature where record now indicates it does not concern immediate procurement but challenges future agency procurement actions.

DECISION

Gateway Inn (Gateway) requests reconsideration of our dismissal on June 24, 1986, of its protest filed with this Office on June 16, concerning the "unfair way" that the Air Force grants Blanket Purchase Agreements (BPA's) for the off-base Billeting of Lackland Air Force Base personnel. We dismissed Gateway's protest upon being advised by the Air Force that Gateway had not timely furnished a copy of its protest to the designated personnel at the procuring agency within 1 day after the protest was filed with this Office as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1986).

We dismiss the protest on other grounds.

In its request for reconsideration filed on July 3 Gateway requests that we reconsider our earlier dismissal of its protest on the basis that it provided the billeting officer at Lackland AFB with a copy of the protest by certified mail on June 16, 1986--the day the protest was filed with our Office. The protester submitted a return receipt indicating the billeting officer received a copy of the protest on June 16.

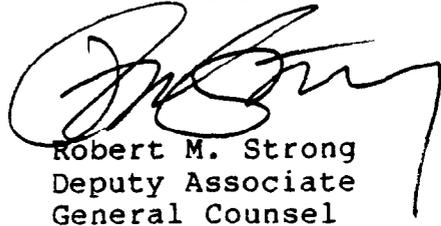
The agency does not dispute Gateway's assertion that the billeting officer at Lackland AFB received a copy of the protest on June 16. However, in its August 4 report on the request for reconsideration the agency advises that the billeting officer at Lackland AFB was not the agency official

designated to receive copies of protests. The agency advises that the billeting officer has no contracting authority and that procurements at Lackland AFB are carried out by the San Antonio Contracting Center, Fort Sam Houston. The agency further advises that the June 16 protest did not concern a current agency action to establish another BPA for billeting Lackland AFB personnel. The agency states that while a representative of the Gateway Inn contacted the contracting officer at the San Antonio Contracting Center on May 5 for information on the establishment of a BPA, Gateway was informed that although the Air Force had BPA's with other local motels, there has not been any requirement by Lackland AFB for additional rooms. At that time, the Air Force agreed to inspect Gateway's facilities for future needs. The record indicates that the Air Force found certain deficiencies in the motel, a conclusion which Gateway disputes. However, there is no contract action for rooms currently pending.

We believe that Gateway's protest was properly dismissed regardless of whether it provided the billeting officer with a copy of the protest within 1 day of filing in our Office meets the requirement at 4 C.F.R. § 21.1(d). We note that Gateway's filing of the copy of the protest with the billeting officer would not appear to satisfy the requirements of our Bid Protest Regulations, since the billeting officer was not the person designated by the Air Force for receipt of copies of protests. Ledoux & Co.--Request for Reconsideration, B-222890.2, May 28, 1986, 86-1 C.P.D. ¶ 499.

In addition, we note that the protest is otherwise for dismissal. Gateway's June 16 protest challenged the Air Force's denial to Gateway of an opportunity to compete for and receive a BPA established by the Air Force for off-base billeting of Lackland AFB personnel. However, the Air Force reports that no current requirement exists for additional rooms and that it investigated Gateway's motel for consideration if future needs arise. In resolving protests under our Bid Protest Regulations, 4 C.F.R. part 21 (1986), our Office considers protests involving specific procurement actions only, *i.e.*, whether a contract award or a proposed contract award complies with statutory, regulatory, and other legal requirements. Systems Engineering International, Inc., B-218016, Feb. 7, 1985, 85-1 C.P.D. ¶ 164. In essence, Gateway anticipates that based on the Air Force's investigation of its facilities, it may be denied a BPA in the future. Since Gateway is questioning the propriety of the Air Force's possible future procurement actions for obtaining off-base billeting for personnel at Lackland AFB, the protest is not for consideration by this Office. See Systems Engineering International, Inc., B-218016, *supra*, and Alan Scott Industries, B-217190.2, Dec. 18, 1984, 84-2 C.P.D. ¶ 681.

Accordingly, we dismiss Gateway's protest as premature.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the typed name and title.

Robert M. Strong
Deputy Associate
General Counsel