



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: HoseCo, Inc.  
File: B-224609  
Date: September 19, 1986

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### DIGEST

Oral complaint to the contracting agency about its rejection of the protester's low offer did not constitute a protest to the agency since oral protests are no longer provided for under the Federal Acquisition Regulation. Therefore, a subsequent written protest filed more than 10 days after the basis of the protest was known is untimely.

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### DECISION

Hoseco, Inc. (HoseCo) protests the rejection of its low offer under request for proposals (RFP) No. DLA700-86-R-1534, issued by the Defense Construction Supply Center (DCSC) for brass pipe flanges. The flanges will be used to connect the fire mains of a vessel, either ship to ship or ship to shore. HoseCo contends that the contract should be resolicited because the RFP specified two alternative brand name models (or equal) and DCSC subsequently determined that the design characteristics of one model, upon which HoseCo based its offer, were unacceptable.


On July 21, 1986, HoseCo received written notice that its lowest priced proposal was rejected as being technically unacceptable. HoseCo orally protested to the DCSC on that date. On August 29, HoseCo again contacted DCSC and was advised that the requirement would not be resolicited. HoseCo filed its protest with this Office on September 4, 1986.

HoseCo's protest is untimely. Our Bid Protest Regulations require that a protest be filed with this Office not later than 10 working days after the basis of protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1986). If an initial protest was filed timely with the contracting agency, any subsequent protest to this Office must be filed within 10 working days of actual or constructive knowledge of initial adverse agency action.

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4 C.F.R. § 21.2(a)(3). Oral protests to contracting agencies, however, are no longer recognized under the Federal Acquisition Regulation (FAR), 48 C.F.R. § 33.101 (1985); K-II Construction, Inc., B-221661, Mar. 18, 1986, 65 Comp. Gen. \_\_\_\_\_ (1986), 86-1 CPD ¶ 270. HoseCo's oral complaint to DCSC on July 21, 1986 therefore did not constitute a protest permitting a subsequent protest to our Office within 10 working days of initial agency adverse action. The only written protest filed is the one submitted to us on September 4. Since that protest was filed more than 6 weeks after the basis of protest was known, the protest is untimely and will not be considered.

The protest is dismissed.

  
for Ronald Berger  
Deputy Associate  
General Counsel