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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: American Identification Products, Inc.

File: B-227599

Date: July 13, 1987

DIGEST

1. A protest which speculates that a proposed award may be improper and which contains a request for information concerning the award is dismissed because protest does not meet requirement under General Accounting Office Bid Protest Regulations that protesters set forth a detailed statement of the legal and factual grounds of protest.

2. An agency's alleged delay in awarding a contract is purely a matter of procedure which alone does not provide a basis of protest because it does not affect the validity of the procurement.

DECISION


American Identification Products, Inc. protests the proposed award of a contract to another firm under request for proposal (RFP) No. N00406-87-R-0048, issued by the Department of the Navy to purchase label plates. We dismiss the protest because it does not present a valid basis for a protest as required by our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1986).

American Identification does not assert any specific defect in the proposed awardee's bid. Instead, American Identification states that 1) it "would require proof" that the awardee is a small business firm; 2) it requires a report from the agency to determine if the sample submitted by the awardee complies with the specification; and 3) it has "no knowledge of whether" the awardee's proposal indicated compliance with the specified delivery schedule. American Identification "demands" that, before an award is made, it receive, pursuant to the Freedom of Information Act (FOIA), a complete set of the awardee's and all other offeror's proposal documents, as well as the Navy's evaluation documents. American also objects to the delay of 6 months from the original closing date of December 1, 1986, to late June, and argues it should have been permitted to revise its prices given this delay.

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Protesters are required to set forth a detailed statement of the legal and factual grounds of protest. 4 C.F.R. § 21.1(c)(4) (1986). The protester has not done that here. Instead, it merely speculates that the proposed award may be improper, and "demands" information concerning the proposed award. As we have often stated, however, speculation alone provides no basis for sustaining a protest. See Mount Pleasant Hospital, B-222364, June 13, 1986, 86-1 CPD ¶ 549. This is because the protester has the burden of demonstrating the merits of its case. E. H. Pechan & Associates, Inc., B-225648, Feb. 17, 1987, 87-1 CPD ¶ 176. Consequently, there is no basis for us to consider the protester's concern with its competitor's proposal at this time. Should American Identification learn, through a FOIA request to the agency, of a proper basis of protest, it may timely protest at that time.

Concerning American Identification's objection to the delay in awarding this contract, a delay in meeting procurement milestones is a procedural deficiency which does not provide a basis of protest because it has no effect on the validity of the procurement. McDonald Welding & Machine Co., B-227004, Apr. 14, 1987, 87-1 CPD ¶ 409. Furthermore, while an agency is required to award a contract with reasonable promptness, we cannot say that a 6-month period from closing date to award for a negotiated procurement involving evaluation of samples is unreasonable per se. See The Aerial Image Corp., Comcorps, B-219174, Sept. 23, 1985, 85-2 CPD ¶ 319. We also have been advised that the closing date for best and final offers was June 15, 1987, and thus American Identification had an opportunity to submit revised prices subsequent to the initial closing date in December.


for Ronald Berger
Deputy Associate
General Counsel