

Ayer



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Marine Industries, Ltd.

File: B-225722.3

Date: July 10, 1987

## DIGEST

General Accounting Office (GAO) will not consider protest of alleged solicitation improprieties filed more than 4 months following submission of initial, related protest, even though bids have not yet been opened, bid opening having been extended because of the initial filing. Consideration of piecemeal submissions jeopardizes GAO's ability to resolve protests quickly with only minimal disruption to the orderly process of government procurement, as contemplated by the Competition in Contracting Act of 1984.

## DECISION

Marine Industries, Ltd. (MIL), a Canadian shipyard, protests a domestic shipyard restriction in invitation for bids (IFB) No. DACW61-87-B-0014, issued by the United States Army Corps of Engineers for construction of a service barge. We dismiss the protest.

We previously denied MIL's protest of the restriction, which prevented MIL from competing for the award, in Marine Industries, Ltd., B-225722, May 21, 1987, 87-1 C.P.D. ¶ \_\_\_\_. There we rejected MIL's argument that the statute authorizing the restriction either did not apply, or had been waived for this procurement, so that the Corps lacked authority to impose the restriction. MIL then requested reconsideration, raising further arguments to establish the existence of a waiver. We denied the request for reconsideration because it relied on arguments that could have been, but were not, raised during the original protest. Marine Industries, Ltd.--Reconsideration, B-225722.2, June 24, 1987, 87-1 C.P.D. ¶ \_\_\_\_.

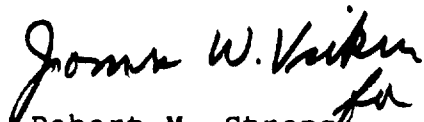
MIL's current protest is based on substantially the same arguments it raised in the reconsideration request. MIL, however, suggests that the protest is appropriate for our review notwithstanding our denial of the firm's reconsideration request since the protest is based on alleged

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improprieties apparent on the face of the solicitation, and has been filed (on June 29) before the June 30, 1987, bid opening date, in accordance with the timeliness rules of our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1986). In this respect, MIL filed its original protest of the domestic shipyard restriction with our Office on February 11, 1987, before the IFB's February 24 bid opening date. That date later was extended to April 28 (by amendment No. 0002), then to May 28 (by amendment No. 0003), and finally to June 30 (by amendment No. 0004). Each extension was granted so that our Office could resolve first MIL's protest and then MIL's reconsideration request before bids were opened.

We will not now consider MIL's arguments notwithstanding they were filed prior to bid opening, essentially for the same reason we denied the company's request for reconsideration. The protest system established by the Competition in Contracting Act of 1984 (CICA), implemented by our Bid Protest Regulations, provides for the expeditious resolution of protests with only minimal disruption to the orderly process of government procurement. See 31 U.S.C. § 3554 (Supp. III 1985). That system simply cannot tolerate the raising of protest arguments in a piecemeal fashion after the original time set for bid opening, where the agency extends the time because of the protest, anymore than it can tolerate a protester presenting in a reconsideration request evidence or analyses the firm could have raised when it protested initially. See Military Base Management, Inc., B-224128, Nov. 26, 1986, 86-2 C.P.D. ¶ 616.

The protest is dismissed.

  
Robert M. Strong  
Deputy Associate  
General Counsel