



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: McCracken Realty -- Request for Reconsideration

File: B-232015.2

Date: September 1, 1988

DIGEST

1. Request for reconsideration of the dismissal of a protest is untimely where it was filed more than 10 working days after the protester received notice of the dismissal.

2. Where original protest of solicitation improprieties was dismissed as untimely because it was not filed prior to bid opening, request for reconsideration on the ground that verbal complaints to the agency prior to bid opening constituted an agency-level protest does not warrant reversing dismissal; complaints must be in written form to constitute an agency-level protest.

DECISION

McCracken Realty requests that we reconsider our July 20, 1988 dismissal of its protest of alleged improprieties in General Services Administration (GSA) solicitation No. GS-09B-88862, as untimely. McCracken claims it filed an agency-level protest with GSA that rendered its later protest to our Office timely. We dismiss the request.

We dismissed McCracken's protest for failure to satisfy the requirement that protests of alleged improprieties apparent on the face of a solicitation be filed either with the contracting agency or our Office prior to bid opening. 4 C.F.R. § 21.2(a)(1) (1988). McCracken's protest was filed in our Office after the bid opening date, and since there was no indication of an agency-level protest, we dismissed it as untimely. McCracken indicates it received our notice of dismissal on July 28.

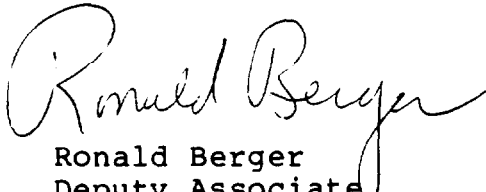
McCracken's request for reconsideration is untimely. Our Bid Protest Regulations require that such a request be filed no later than 10 working days after the basis for

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reconsideration is known. 4 C.F.R. § 21.12(b); Tenavision, Inc.--Reconsideration, B-227676.2, Sept. 23, 1987, 87-2 CPD ¶ 291. As the protester received notice of the dismissal on July 28 and filed the request for reconsideration on August 18, more than 10 working days later, the request will not be considered.

In any case, McCracken's request that we reopen the file is based on McCracken's claim that it orally protested the alleged solicitation improprieties to the agency prior to bid opening. However, an agency-level protest must be a written objection to an agency about an award or proposed award; oral complaints are not sufficient. Federal Acquisition Regulation (FAR) § 33.101; Sacramento Metropolitan Officials Association, B-230563, Mar. 16, 1988, 88-1 CPD ¶ 274. Hence, no agency-level protest was filed here.

The reconsideration request is dismissed.


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General Counsel