

SK/Arew



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Cajar Defense Support Company--Reconsideration

File: B-238621.2; B-238622.2

Date: May 18, 1990

Mason Ford, for the protester.
Christina Sklarew, Esq., and Michael R. Golden, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Dismissal of bid protest will not be reconsidered where
protester does not specify any error of fact or law that
would warrant reversal or modification.

DECISION

Cajar Defense Support Company requests that we reconsider
our decisions in Cajar Defense Support Company, B-238621,
Feb. 26, 1990, 90-1 CPD ¶ 235, and Cajar Defense Support
Company, B-238622, Feb. 28, 1990, 90-1 CPD ¶ 250. In each
of these decisions, we dismissed Cajar's protest for failure
to set forth a detailed statement of the legal and factual
grounds of the protest as required by our Bid Protest
Regulations, 4 C.F.R. §§ 21.1(b)(4) and 21.3(m) (1989). We
deny the requests for reconsideration.

The first of these two protests involved solicitation
No. DAAA21-90-R-0006, which was issued by the U.S. Army
Armament, Munitions & Chemical Command (AMCCOM). The
protest consisted of a copy of a letter from Cajar to the
contracting officer at AMCCOM, dated February 12, 1990. The
letter appeared to be part of an ongoing exchange between
Cajar and the contracting officer. The protester did not
provide any further information or explanation, nor did it
request a ruling on any specific matter by our Office, and
we were unable to discern the basis of the protest from the
limited information that had been provided to us. The
agency reported to us that it had no additional knowledge of
what Cajar was protesting.

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In its request for reconsideration, Cajar contends that our decision is "based in the same error made by [the agency]--reference to the wrong CDSC [Cajar] letter of February 12," and also refers to a "general protest letter dated February 14." However, no other letters or information of any kind has been provided to us, beyond the copy of the February 12 letter to the contracting officer.

Cajar also refers to a letter from the agency to our Office requesting dismissal of the protest, and notes that since this letter was dated only 2 days prior to our dismissal of the protest, there must have been "behind the scenes discussions between the GAO and [the agency]."

The second protest, B-238622, involved AMCCOM solicitation No. DAAA21-90-R-0005. This protest also consisted of a copy of a letter to the contracting officer, without any additional information. Cajar referred to its concerns about a different solicitation and the time the firm had spent addressing them, and suggested that this had prevented it from responding to this solicitation. No further complaint was specified in connection with this procurement. The protester did state that it was "hereby formally protesting, to [the agency] and the GAO, the entire process of professional support engineering solicitations, evaluations and awards at . . . Picatinny Arsenal" and stated that it was also protesting "the entire process of professional support engineering solicitations, evaluations and awards relative to Nuclear Weapons by the U.S. Army groups at Picatinny Arsenal."

In its reconsideration requests, Cajar states that it is not protesting an individual solicitation, but rather is protesting the entire professional services contracting program at Picatinny Arsenal.

In order for a protester's request for reconsideration to be considered by our Office, our Bid Protest Regulations require that the protester submit a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.12.

Here, Cajar has not met that standard. The protester never provided a valid basis for its protests, either in its initial or subsequent submissions to our Office, nor has it shown any error of fact or law in our dismissal decisions. The only error that Cajar specifies is the alleged confusion of the two February 12 letters. However, the only letter of that date that we have ever received from Cajar is a copy of

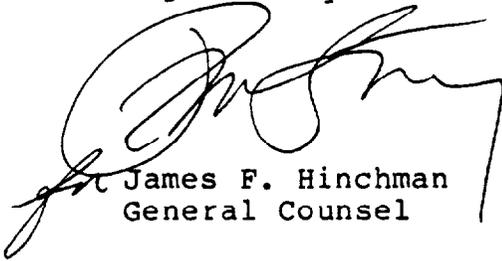
a letter to the contracting officer which failed to establish any valid grounds for protest.

Cajar alleges that our Office must have colluded with the agency to dismiss the protests, as evidenced by our having decided these cases based on an unsolicited dismissal request from the agency without any further communication with Cajar. We note that our decision to initially develop these protests was based on our belief that the agency, as alleged by Cajar, was aware of Cajar's complaints. The agency, however, in its summary dismissal request indicated it did not know or understand the basis of Cajar's complaints beyond the information contained in Cajar's letters to our Office. When on its face a protest does not state a valid basis for protest or otherwise is not for consideration, we will dismiss the protest without requiring the submission of an agency report. 4 C.F.R. § 21.3(m). There is no requirement that we obtain an agency report on the merits and comments from the protester, simply because we accepted the initial filing of the protest. To the contrary, our regulations state that when the propriety of a dismissal becomes clear only after information is provided by the contracting agency or is otherwise obtained by our Office, we will dismiss the protest at that time.
Id.

Cajar also contends that our decision is faulty because it does not address "what [Cajar] regards as critical failures in the Department of Defense programs." However, Cajar's statement that its protests are directed against alleged program failures and "the entire professional services contracting program" rather than individual solicitations also fails to support its request for reconsideration, since we do not consider broad issues such as these under our bid protest function. The bid protest provisions of the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §§ 3551-3556 (Supp. IV 1986), provide that the Comptroller General shall decide a protest concerning an alleged violation of a procurement statute or regulation if the protest is filed in accordance with the bid protest provisions of CICA. These provisions define a "protest" as "a written objection . . . to a solicitation by an Federal agency for bids or proposals for a proposed contract for the procurement of property or services or a written objection by an interested party to a proposed award or the award of such a contract." 31 U.S.C. § 3551. Since Cajar's general objections to AMC's or AMCCOM's practices do not pertain to a particular solicitation or to the award or proposed award

of a particular contract, they may not be considered under our bid protest function. See Int'l Foods Retort Co., B-230921, July 14, 1988, 88-2 CPD ¶ 51; 4 C.F.R. § 21.1(a).

Cajar's requests for reconsideration are denied.



James F. Hinchman
General Counsel