



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Munford, Munford & Associates, Inc.

File: B-244803

Date: September 20, 1991

James L. Munford for the protester.
John P. Opitz, Esq., Department of Housing and Urban
Development, for the agency.
Aldo A. Benejam, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest based on other than an alleged solicitation
impropriety is untimely when filed more than 10 working days
after the protester learns basis for protest.

DECISION

Munford, Munford & Associates, Inc. protests the decision of
the Department of Housing and Urban Development (HUD) to
extend five Consolidated Supply Contracts (CSC) for steel
storm security screen doors awarded under invitation for bids
(IFB) No. IFB-HC-17607-CSP, issued under HUD's Consolidated
Supply Program (CSP).^{1/} The protester, not an awardee under
the IFB, states that by extending the existing CSCs for the
security doors, HUD improperly precluded the firm from
supplying the items covered by the CSCs to the PHAs. Rather
than issuing a new solicitation when the terms covered by the
CSCs expired, HUD determined to extend the existing CSCs
pending an imminent decision to terminate the CSP program.

We dismiss the protest.

^{1/} Under the CSP, HUD furnishes technical assistance to Public
Housing Agencies (PHA) in purchasing supplies, equipment, and
services needed for the operation and maintenance of
low-income housing. See 24 C.F.R. part 965, subpart G (1991).
Under the program, HUD enters into agreements (CSCs) with
suppliers, based on competitive bids. See 24 C.F.R.
§ 965.603. The regulations contemplate HUD entering into CSCs
for a term of 1 year each. See 24 C.F.R. § 965.603(b)(2).
During the period covered by the CSCs, PHAs may voluntarily
purchase needed items under the terms specified in the CSCs.

HUD extended the CSCs, initially awarded in November 1988, on four separate occasions by letters dated February 1, 1990, June 12, 1990, November 20, 1990, and May 2, 1991. Munford protested the November 20 extension to the contracting officer in a letter dated December 4, 1990. As its remedy, Munford requested that the extension be canceled and that HUD issue a new solicitation. The contracting officer denied the protest in a January 23, 1991 letter, explaining that since HUD was contemplating terminating the CSP,^{2/} it would not be in the best interest of the government to incur the costs of a new competitive action that may be canceled in the near future. Following a second agency-level protest generally objecting to the extensions, which HUD denied in a May 7 letter, Munford filed this protest in our Office on July 16.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Where a protest initially has been filed with a contracting activity, any subsequent protest to our Office, to be considered timely, must be filed within 10 working days of "formal notification of or actual or constructive knowledge of initial adverse agency action." 4 C.F.R. § 21.2(a)(3) (1991). These timeliness rules reflect the dual requirement of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129.

Although Munford does not state when it received HUD's January 23 letter, we assume that mail is received within 1 calendar week from the date it was sent. Technology for Advancement, Inc., B-231058, May 12, 1988, 88-1 CPD ¶ 452. On that basis, Munford should have received notice of HUD's intent to not cancel the CSC extensions and issue a new solicitation by January 30. Munford's protest to our Office,

^{2/} On June 10, 1991, HUD published proposed rules announcing its intent to terminate the CSP program and inviting comments from the public by August 9. See 56 Fed. Reg. 26,628 (1991). That notice stated in part:

"During the rule making process, HUD will continue to extend existing CSP contracts so that participating PHAs may continue to use the program. Generally, HUD expects the average length of contract extensions to be six to nine months. However, no new solicitations will be issued during this period of rule making." 56 Fed. Reg. 26,630.

filed on July 16, over 5 months after Munford initially learned of the basis for its protest, is therefore untimely and will not be considered.

The protest is dismissed.

Christine S. Melody
Christine S. Melody
Assistant General Counsel