



Office of the General Counsel

B-235296

April 28, 1989

Mr. Robert W. Chaplin, Sr.
Viking America, Inc.
30700 Solon Industrial Parkway
Solon, Ohio 44139

Dear Mr. Chaplin:

This responds to your letter of protest dated April 18, 1989, concerning a solicitation issued by the Defense Construction Supply Center for diving suits. In that letter you complain that Amron International, a firm that supplies diving suits manufactured in Finland, submitted a bid in response to the solicitation even though items manufactured in Finland may not be sold to the United States Government.

We will not consider your protest on the merits because it does not comply with our Bid Protest Regulations. See 4 C.F.R. § 21.1(f) (1988). First, you have not provided the number of the solicitation in issue as required by 4 C.F.R. § 21.1(3). In addition, there is no indication that the contracting agency was sent a copy of the protest and received it within 1 day of your filing with our Office. 4 C.F.R. § 21.1(d). The purpose of these requirements is so that the contracting agency receives prompt notice of the protest basis and can prepare its report for submission to our Office within 25 working days as required by the Competition in Contracting Act of 1984, 31 U.S.C. § 3553(b)(2)(A) (Supp. IV 1986), and so that our Office can consider the objections raised by the protest in a timely manner. See Sea Containers America, Inc.--Reconsideration, B-227061.3, Jan. 28, 1988, 88-1 CPD ¶ 84.

In any case, even assuming you are correct in your allegation that Amron can not properly receive the award, your protest is not for consideration at this time. In this regard, there is no indication that the Defense Construction Supply Center intends to award the contract to Amron. Consequently, your protest on this basis is premature

because it merely anticipates that the agency will
improperly perform an act that has not yet been performed.
Rattan Art Gallery, Ltd.--Request for Reconsideration,
B-223779.3, Mar. 27, 1987, 87-1 CPD ¶ 352.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. M. Strong", written over a horizontal line.

Robert M. Strong
Associate General Counsel