

Office of the General Counsel

B-228958.4

August 2, 1988

The Honorable Mark O. Hatfield
United States Senator
Room 114, Pioneer Courthouse
Portland, OR 97204

Dear Senator Hatfield:

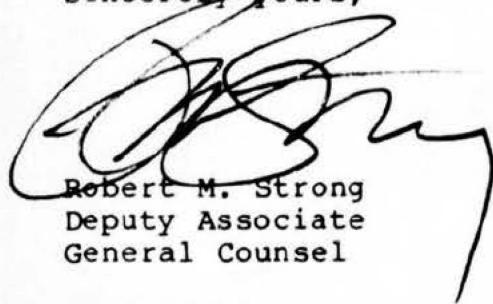
By letter dated June 30, 1988, you requested further review of a protest filed by Atrium Building Partnership. We have considered this matter in three decisions: Atrium Building Partnership, B-228958, Nov. 17, 1987, 67 Comp. Gen. _____, 87-2 CPD ¶ 491; Atrium Building Partnership--Request for Reconsideration, B-228958.2, Dec. 30, 1987, 87-2 CPD ¶ 645; Atrium Building Partnership--Second Request for Reconsideration, B-228958.3, May 18, 1988, 88-1 CPD ¶ 466.

We have enclosed copies of all three decisions for your information. In the initial decision, we held that the rejection of Atrium's offer under solicitation for offers (SFO) No. 9PEL10-87-10, issued by the General Services Administration (GSA) was proper. We examined Atrium's allegations in great detail in the original decision denying in part and dismissing in part its protest and subsequently denied its first request for reconsideration after determining that Atrium had not stated a basis for reversing that decision. With regard to Atrium's second request for reconsideration, by decision dated May 18, 1988, we dismissed the request as untimely because, within the context of our rules, Atrium had failed to diligently pursue the information that formed the basis for its second request for reconsideration. However, notwithstanding our determination of untimeliness, we determined that the new information submitted in Atrium's second request for reconsideration did not warrant reversing our previous decisions.

Atrium continues to express concern that GSA was required to conduct a formal inspection with certified fire safety professionals, referred to under the regulations as a risk assessment, prior to determining that Atrium's building did

not meet the fire safety regulations. As noted in our decisions, GSA is only required to use the risk assessment procedure where there are no other available spaces. This was not the case here because GSA received other competitive proposals, besides Atrium's, for the office space.

Sincerely yours,



Robert M. Strong
Deputy Associate
General Counsel

Enclosures