

Office of the General Counsel**B-224480.4****October 8, 1986**

**Bogle & Gates, Counsel for
Marine Transport Lines, Inc.
One Thomas Circle, N.W., Suite 900
Washington, D.C. 20005**

Attention: Lars E. Anderson, Esq.

Gentlemen:

This is in reference to your protest on behalf of Marine Transport Lines, Inc., under request for proposals (RFP) No. N00033-86-R-4006, issued by the Military Sealift Command (MSC), Department of the Navy. You protest the RFP requirement that proposals indicate that key personnel are employed by or firmly committed to the offeror.

You initially filed Marine Transport's protest with MSC prior to the September 19 closing date for receipt of proposals. MSC proceeded to accept offers. Since this would be considered initial adverse agency action under our Bid Protest Regulations, you protested to our Office on October 1 in order to satisfy our timeliness requirements. 4 C.F.R. § 21.2(a)(3) (1986).

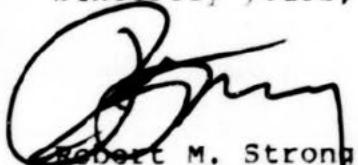
MSC has indicated that it plans to fully consider your agency-level protest notwithstanding its decision to accept proposals. Based on MSC's position, you stated in the protest--and confirmed by telephone on October 8--that Marine Transport would be willing to withdraw the protest and await MSC's decision so long as a subsequent protest to our Office on this issue would be deemed timely if filed within 10 working days after notification from MSC of its decision. MSC advised us by telephone on October 8 that it also would accept this arrangement.

In view of the positions of MSC and Marine Transport, we find it would serve no purpose for our Office to intervene in the matter at this juncture. This is to inform you that we therefore consider it appropriate to measure the timeliness

of Marine Transport's protest on this issue from the time MSC notifies Marine Transport of its decision on the agency-level protest, as you propose, rather than from the September 19 closing date.

Accordingly, we are closing our file in this matter based on the above understanding.

Sincerely yours,



Robert M. Strong
Deputy Associate
General Counsel

cc: Rear Admiral William T. Piotti
Commander
Military Sealift Command
Department of the Navy
Washington, D.C. 20390