



United States  
General Accounting Office  
Washington, D.C. 20548

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Office of the General Counsel

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B-220383.3

September 4, 1986

Artek Systems Corporation  
170 Finn Court  
Larmingdale, New York 11735

Gentlemen:

This is in reference to your letter to our Office dated August 1, 1986, concerning our July 30 dismissal of your protest under Environmental Protection Agency (EPA) request for quotations (RFQ) No. 86-07. We dismissed your protest based on advice from EPA that you had not furnished designated contracting personnel with a copy of your protest; under our Bid Protest Regulations, 4 C.F.R. § 21.1(d)(1986), a copy of the grounds of protest must be furnished the designated official within 1 day after filing in our Office.

You state in your letter that you sent a copy of your protest to the Administrator of EPA and notified Mr. (apparently the contracting officer) of the protest by telephone on the same day it was filed in our Office.

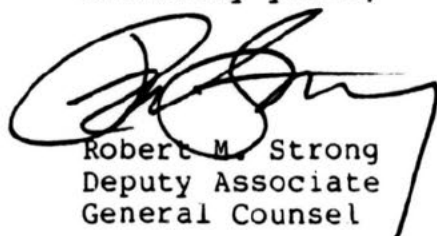
We have been advised informally by EPA (see enclosed August 15 letter) that while Artek did advise that it was filing a protest, Artek never elaborated on the precise bases of its protest. Mr. also apparently never received the copy of your protest which you sent to the EPA Administrator instead of to the designated contracting personnel. Under these circumstances, you failed to put EPA contracting personnel on notice of Artek's bases of protest as required by our Regulations.

The question of the sufficiency of your notice to EPA aside, we have reviewed your July 23 protest letter in considering whether your protest was properly dismissed and find we are unable to discern the bases for your protest. Our Regulations require that a protest set forth a detailed statement of the legal and factual grounds of protest, including copies of relevant documents; specifically request a ruling by the Comptroller General of the United States; and specify the form of relief requested. 4 C.F.R. § 21.1(c).

You have presented no details on the procurement and have not specified why you believe the award--made to Image Technology Corporation at a price of \$11,000 compared to your price of \$17,555--was improper. Rather, you seem to be complaining about difficulties you have had with Mr. , while at the same time reasserting a prior protest (B-220333) which you claim was withdrawn after Artek was misled by EPA. Our record shows that this protest was founded on a solicitation that ultimately was canceled; the original basis of protest thus is now moot.

Therefore, in view of your failure to specify your grounds of protest and notify EPA of these grounds, we will not reconsider our dismissal of your protest.

Sincerely yours,



Robert M. Strong  
Deputy Associate  
General Counsel

Enclosure