



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-215836.4

March 6, 1985

The honorable Paul S. Sarpanes
United States Senate

**DO NOT MAKE AVAILABLE TO PUBLIC READING
FOR 30 DAYS**

Dear Senator Sarpanes:

This responds to your letter of February 6, 1985, concerning the protest of Harvey L. Adler, President of Conservco, Inc., regarding a bid submitted to the Department of Agriculture under invitation for bids No. 431-3K15-84. The solicitation covered boiler installation at the Agricultural Research Center in Beltsville, Maryland. You state that Mr. Adler requests a meeting with the parties involved and an investigation.

Mr. Adler submitted a bid protest to this Office on this matter, alleging that the specifications in question unduly restricted competition and favored a single manufacturer. The Comptroller General issued a decision denying the protest on December 6, 1984, copy enclosed. Conservco's remedies with regard to this particular protest appear to be foreclosed because Mr. Adler did not submit a timely request for either a conference or reconsideration of the decision.

Investigations are not generally part of our bid protest function. We do, however, generally hold conferences on the merits of protests at the request of a protester or any interested party. Under the procedures in effect at the time of Conservco's protest, conference requests were required to be made within 10 days after the protester received the agency report, so that matters could be discussed before we closed the record and proceeded to decision. See 4 C.F.R. § 21.7 (1984).

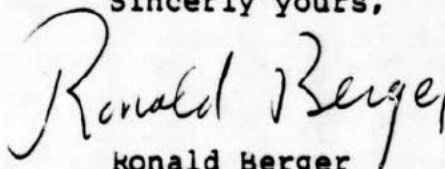
Additionally, requests for reconsideration must be filed no later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier, and must specify any error of fact or law that would warrant overruling or modifying our original decision. 4 C.F.R. § 21.9(b).

If Mr. Adler has occasion to protest in the future, it may be helpful for him to know that our new Bid Protest Regulations effective January 15, 1985, require conference requests to be made within an even shorter time and impose the same 10-day limit on requests for reconsideration. See 49 Fed. Reg. 49,417 (1984) (to be codified at 4 C.F.R. Part 21). A copy of our newly revised bid protest booklet, which includes a copy of the new regulations, is also enclosed.

We currently are considering a protest by Superior Boiler Works, Inc. on a separate but similar procurement for boilers by the Department of Agriculture; we will send you a copy of that decision, B-216472, upon its issuance.

I trust this answers your inquiry.

Sincerely yours,



Ronald Berger
Deputy Associate
General Counsel

Enclosures