

DECISION

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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-215479

DATE: June 26, 1984

MATTER OF: IAL Communications Systems Inc.

DIGEST:

A complaint concerning the award of a contract under a federal grant is not filed within a reasonable time where the complaint is filed 2 months after an agency's adverse decision on a complaint initially filed with the grantor agency.

IAL Communications Systems Inc. complains about the specifications in a solicitation issued by the Southeastern Michigan Transportation Authority (SEMTA) for radio equipment. The procurement is substantially funded with Urban Mass Transportation Administration (UMTA) grant funds. IAL contends that the specifications are unduly restrictive and effectively limit the competition to one manufacturer. We dismiss the complaint as untimely.

IAL initially filed a complaint with UMTA on November 18, 1983 after unsuccessful attempts by IAL to resolve the problem with SEMTA. UMTA denied the firm's complaint in a formal decision dated January 23, 1984. IAL then sent a reconsideration request to UMTA on January 27, challenging on various grounds UMTA's determination to deny IAL's complaint. On March 30, UMTA denied IAL's request for reconsideration. IAL then filed a complaint with this Office on June 7.

We consider grant complaints pursuant to our public notice entitled "Review of Complaints Concerning Contracts Under Federal Grants," 40 Fed. Reg. 42406, September 12, 1975. We do so, however, only where the complaint has been filed within a reasonable time so that we can consider an issue while it is still practicable to recommend

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corrective action if warranted. Caravelle Industries, Inc., 60 Comp. Gen. 414 (1981), 81-1 CPD ¶ 317; Reliance Steel Products Company, B-206754, Jan. 24, 1983, 83-1 CPD ¶ 77. Thus, for example, where a complaint has initially been filed with the grantee, we have held that a complaint must be filed within a reasonable time after an adverse agency decision on the complaint if we are to consider it. Brumm Construction Company, 61 Comp. Gen. 6 (1981), 81-2 CPD ¶ 280. Here, IAL waited more than 2 months after its request for reconsideration was denied by UMTA before it filed its complaint with this Office. Two months after an adverse agency decision is not a reasonable time. See id. at 11.

The complaint is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel