

A. Zuckerman

GAO

United States General Accounting Office
Washington, DC 20548

Trans

15461

Office of
General Counsel

In Reply B-201068
Refer to:

November 18, 1980

[Protest of Air Force Contract Awards in Federal Republic of Germany]

E. J. P. Tierney & Company
Security Assistance Forces &
Equipment OHG
P. O. Box 800 826
D-623 Frankfurt/Main 80
Federal Republic of Germany

Gentlemen:

We are in receipt of your October 22, 1980 letter, protesting "all awards made by the United States Air Force in Europe, Contracting Region, Rheinland, Kaiserslautern, FR Germany during Fiscal 1980, for the acquisition of fire and security devices, FSC numbers 4210 and 6350, and related installation and maintenance services", and requesting our assistance in obtaining information from the agency under the Freedom of Information Act (FOIA).

GAO bid protest procedures, 4 C.F.R. Part 20 (1980), are designed to provide fair consideration of bid protests in a timely manner. Their purpose is not designed to correct a perceived wrong which occurred in the past or to resolve personal differences between agency personnel and prospective bidders. Thus, an interested party may protest the award or proposed award of a contract by an agency of the Federal Government whose accounts are subject to settlement by the General Accounting Office, provided that certain conditions are met:

1. A protest must identify the contracting activity and solicitation and/or contract.
4 C.F.R. 20.1.
2. Protests must be timely filed, *i.e.*, in accordance with the standards specified in 4 C.F.R. 20.2.



012983

B-201068

Also, our bid protest procedures are not a substitute for FOIA procedures as this Office has no authority to act under that statute; appropriate remedies exist under FOIA if you believe you have been denied information to which you are legally entitled.

While your complaint is that the agency intentionally failed to solicit you for its procurements during the past fiscal year, we do not believe your letter of protest meets the standards prescribed by our bid protest procedures. It does not identify any specific procurements and in any event appears to be untimely because it covers all of FY 1980, but was not filed until October 29, 1980. In this respect, as you admit you are aware of awards that have been made throughout the year, we think it was incumbent upon you to protest agency actions in connection with specific procurements as they occurred. Under our protest procedures, you cannot wait until the end of a fiscal year and then object to all awards in a particular category that were made in that year.

Consequently, we do not believe it would have any useful purpose to request a report from the Air Force on this matter, and your protest will not be considered.

Sincerely yours,

Harry R. Van Cleave

for Milton J. Socolar
General Counsel