



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

B-201068.2

February 4, 1981

*16048* *Weinkap*  
*[Request for Reconsideration]*

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

*DLG 05511*

Attention: E. J. P. Tierney

Gentlemen:

This responds to your request that we reconsider our November 18, 1980 position that we would not consider your protest filed by letter of October 22 concerning all Air Force acquisitions of fire and security devices (FSC Nos. 4210 and 6530) in "Europe, Contracting Region, Rheinland, Kaiserslautern FR Germany" during fiscal year 1980. The basis of your protest was that the Air Force allegedly deliberately excluded your firm from the procurements. We noted that your protest failed to list the specific solicitations and/or contracts as required by our Bid Protest Procedures, 4 C.F.R. § 20.1 (1980), and we suggested that you failed to file a protest within ten working days after the basis for protesting was known or should have been known as required by 4 C.F.R. § 20.2(b)(2).

You now maintain that you submitted Freedom of Information Act (FOIA) requests to the Air Force for information regarding the acquisitions, receipt of which you assert is necessary to "know the basis for the protest."

However, the basis for your protest clearly is that the Air Force allegedly intentionally failed to solicit your firm to participate in the stated category of procurements. In your original protest letter you state that you "are aware \* \* \* that there were many awards during Fiscal 1980 for that equipment \* \* \*." As we indicated in our November 18 letter, it was incumbent upon you to protest these awards as you became aware of them; our Procedures, designed to balance the need for a fair consideration of bid protests with the need for the orderly

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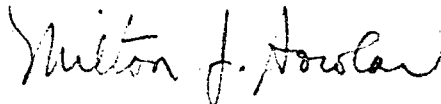
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and expeditious process of Government procurement, simply do not contemplate that an aggrieved firm may wait until the end of a fiscal year and then object to all of that year's contract awards of a particular category.

Finally, while the exact nature of the information that you have requested under the FOIA is not apparent, protests must be filed promptly after the basis for protest becomes known. Where the basis is known, the fact that a firm requests supporting information under the FOIA does not toll the filing requirement of our Procedures. Davey Compressor Company, B-195425, November 14, 1979, 79-2 CPD 351.

Therefore, we affirm our prior position and we will not consider your protest. The other protests (B-201392, B-201463, B-201464) filed by your firm and/or its affiliate, which you reference in your request for reconsideration, are being handled separate from the one addressed here.

Sincerely yours,



For the Comptroller General  
of the United States