



The Comptroller General
of the United States

Washington, D.C. 20548

131206

Decision

Matter of: Synercom Technology, Inc.

File: B-224477

Date: October 1, 1986

DIGEST

1. Specific challenges to the contracting agency's evaluation of the protester's proposal, first raised by the protester in its comments on the agency's report on its protest, are untimely raised when first filed more than 6 weeks after the contracting officer read to the protester over the telephone the technical evaluators' comments concerning the protester's proposal. Protester's generalized, earlier protest was not sufficient to constitute a timely protest when the protester was on notice of specific bases of protest at time earlier protest was filed but chose not to raise them.

2. Protest against award of contract without discussions and on basis of initial proposals is untimely filed when first raised more than 10 working days after protester knew that contract had been awarded without discussions.

DECISION

Synercom Technology, Inc. (Synercom) has protested the decision of the Department of the Army, Corps of Engineers, to award a contract to ESRI Systems, Inc. (ESRI) under request for proposal DACA39-86-R-0010, which was issued on April 11, 1986, for a "geographic information software system."

We dismiss the protest.

The Corps informs us in its August 21, 1986, report on the protest that on July 10, in response to an inquiry from the protester as to "the reason why ESRI received the award over Synercom," the contracting officer "read [to a Synercom representative] the comments from the [proposal evaluation] Board members' evaluation" of the Synercom proposal. These

comments were specific; for example, one evaluator specifically questioned ESRI's proposed use of only "telephone support" for software questions. Synercom's initial protest to our Office of July 14, however, contained only general arguments, namely that:

(1) the contracting process had not been "conducted fairly"; (2) the evaluation was not conducted in accordance with the "Evaluation Factors" clause of the RFP; (3) evaluation points were not awarded to Synercom because of the Army's "incorrect assumptions"; and (4) the "evaluation was not consistent with the Competition in Contracting Act."

Not until Synercom submitted its September 3, comments on the Army's report on the protest, however, did the Company take specific objection to many of the evaluators' comments--such as the one above concerning telephone support. This September protest was more than 10 working days after the specific bases of protest were known by the Company from the reading of the evaluators' comments on July 10. Although Synercom's initial, general protest was filed on July 15, or within 10 working days from July 10, an initial general protest is not sufficient for the purpose of filing a timely protest when the protester is on notice of specific bases of protest but chooses not to raise them until past the time of a timely filing with our Office. See Pease and Sons, Inc., B-220449, Mar. 24, 1986, 36-1 C.P.D. ¶ 288. Consequently, it is our view that Synercom's present objections to the evaluators' comments are untimely filed and will not be considered. See 4 C.F.R. § 21.2(a)(2) (1986).

Synercom also protests the Army's decision not to conduct discussions with offerors or seek revised proposals but rather to award on the basis of offerors' initial proposals. Synercom was on notice of this specific basis of protest no later than July 9, however, when the company says it received the Army's notice of award to ESRI. As of that date, Synercom knew that no discussions had been held with it (or revised proposal sought), yet the Army nevertheless had made an award to ESRI. Synercom did not specifically raise this ground of protest until the submission of its comments on the agency report on September 3, more than 10 working days after this basis of protest was known. Consequently, this basis of protest is also untimely filed and will not be considered. See 4 C.F.R. § 21.2(a)(2), above.

Protest dismissed.

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for

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