



Comptroller General
of the United States

Washington, D.C. 20548

1/15/92
Evans

Decision

Matter of: Continental Airlines, Inc.

File: B-246897.3

Date: January 22, 1992

Robert J. Martinez, Esq., Williams & Jensen, for the protester.
Catherine M. Evans, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest against award to other offerors under air transportation services contract is untimely where protester, instead of diligently pursuing information that would form the basis of its protest when it learned of the awards, delayed filing until awardees' flight information was published in federal travel directory 6 weeks after award.

DECISION

Continental Airlines, Inc. protests the award of requirements contracts to United Airlines and U.S. Air under request for proposals (RFP) No. FBT-T1-080-N-92, issued by the General Services Administration (GSA) for air transportation services for federal employees on 3,221 domestic and international routes. Continental, which was awarded contracts for 399 of the routes, alleges that GSA failed to follow the stated evaluation criteria in awarding three international routes to other offerors.

We dismiss the protest as untimely filed.

The RFP provided that offers for each route, or city pair, would be evaluated for award based on the following four criteria, in descending order of importance: (1) conformance to minimally acceptable flight time standards (e.g., only nonstop service was considered acceptable for some routes), (2) frequency and distribution of flights during the day, (3) price, and (4) service to multiple airports in a city. The RFP also required awardees to have reservation systems--including fare designations specific to the contract, to eliminate confusion with other government-related fares--in place within 15 days after award.

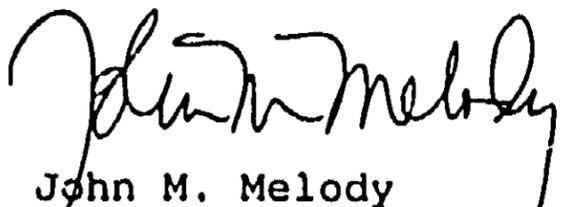
On November 19, GSA sent award notifications to all offerors by overnight mail; each carrier was told which routes it had been awarded, but did not receive any information about the routes it was not awarded. On January 6, 1992, Continental received a copy of the January 1992 Federal Travel Directory, which contained the awardees' detailed flight information. Continental filed this protest on January 16, essentially alleging that it should have been awarded three of the routes under the stated evaluation criteria because it had offered service on those routes similar to that offered by the awardees, but with lower fares.

Our Bid Protest Regulations require that protests based on other than apparent solicitation improprieties be filed within 10 days after the protester knew or should have known the protest basis. 4 C.F.R. § 21.2(a)(2) (1991). To ensure that long-standing timeliness requirements such as this one are met, we require protesters to diligently pursue information that forms the basis for a protest. See Singer Hosiery Mills, Inc., B-244908, Oct. 30, 1991, 91-2 CPD ¶ 408. Continental did not do so here.

Continental's protest does not indicate that the firm took any steps after learning of the awards on November 20 to pursue information concerning the other offerors' proposed service and fares, that is, the information forming the basis for its protest; rather, Continental acted only after it received the Federal Travel Directory on January 6. However, the information in the directory on which Continental bases its protest was publicly available no later than the first week of December. As noted above, the RFP required the awardees to have reservation systems that include contract-specific fare designations in place within 15 days after award. Thus, Continental could have checked a computerized commercial reservation system within 15 days after the November 19 award to find out exactly what services and fares the awardees offered. Instead, Continental waited until more than 1 month later to ascertain its protest basis from the January 1992 Federal Travel Directory.

Under these circumstances, we find that Continental failed to satisfy the requirement for diligent pursuit. The protest is therefore untimely and we will not consider it. See Singer Hosiery Mills, Inc., supra.

The protest is dismissed.


John M. Melody
Assistant General Counsel