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**Comptroller General
of the United States**

**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: Coyol International Group

File: B-408982.2

Date: January 24, 2014

Christopher Oyolokor, Coyol International Group, for the protester.
Dennis J. Gallagher, Esq., Department of State, for the agency.
Susan K. McAuliffe, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest of agency's refusal to extend date for receipt of proposals because of problems experienced by the protester in accessing the solicitation is denied where the protester waited almost 3 weeks after solicitation was posted on FedBizOpps before first attempting to obtain a copy of the solicitation.

DECISION

Coyol International Group, of Cheney, Washington, protests the agency's failure to extend the closing date under request for proposals (RFP) No. SAQMMA13R0354 issued by the Department of State for security guard services. The protester argues that the agency should have extended the closing date because Coyol had difficulty obtaining a copy of the solicitation.

We deny the protest.

On May 14, 2013, the agency posted a sources sought notice in FedBizOpps seeking expressions of interest in an anticipated solicitation for local guard services for the U.S. Embassy in Abuja, Nigeria and the U.S. Consulate General in Lagos, Nigeria. Agency Report (AR) Tab 2, May 14, 2013 FedBizOpps Notice. On June 17, 2013, the agency posted a pre-solicitation notice on FedBizOpps advising potential offerors that they would need to submit a restricted access request in order to access the RFP and associated documents once they were posted. AR Tab 2, June 17, 2013 FedBizOpps Notice. The notice also advised potential offerors that: they would be given approximately 30 days for the preparation of proposals; changes to any dates would be published on FedBizOpps; and a site visit would be

scheduled approximately 2 weeks after the solicitation was issued. Id. Coyol received approval for restricted access to the anticipated solicitation on July 8.

On August 23, the agency posted a public notice on FedBizOpps, providing the RFP as a restricted-access attachment--potential offerors were again advised of the 30-day period to submit proposals and the notice established a solicitation response date of September 23. AR Tab 5, August 23, 2013 FedBizOpps Notice. The public notice repeated the instructions in the pre-solicitation notice regarding access to the RFP and offerors were advised that their authorization to review the controlled documents would be vetted by FedBizOpps before access would be permitted. Id. The public notice also indicated that mandatory site visits were scheduled for September 3 and 4, and instructed potential offerors to identify by August 30 the firms' representatives who would be attending the site visit. Id. On August 29, Coyol identified its representatives for the site visit. AR Tab 8 at 7, August 29, 2013 E-mail from Coyol to Contracting Officer.

One week after the site visit, on September 10, the protester sent the contracting officer an e-mail asking whether the solicitation had been issued, and, after apparently recognizing that the solicitation had been posted to the FedBizOpps website on August 23, the protester sent the contracting officer another e-mail asking how to access the RFP. Id. at 3-5, September 10, 2013 E-mails from Coyol to Contracting Officer. The contracting officer confirmed for Coyol that it had been given permission to access the RFP on July 8 and advised the protester to contact FedBizOpps with any technical problems it may have; the contracting officer also advised again that FedBizOpps would have to validate the firm's attempt to access the restricted material. Id. at 1, 3. With assistance from FedBizOpps, the protester was able to access the RFP on September 13.

On September 17, Coyol asked for a 7-day extension to the September 23 closing date, and then on September 20, Coyol filed an agency-level protest seeking an extension of the closing date for at least 21 days. AR at Tab 11, September 17, 2013 E-mail from Coyol to Contracting Officer; Tab 13, Agency-level Protest. On September 22, the agency denied the requests for an extension, and denied the protest. AR Tab 14, Agency-level Protest Decision. On September 30, Coyol filed this protest with our Office arguing that the agency should have extended the closing date in light of Coyol's delay in gaining access to the solicitation.

As a general matter, prospective offerors bear an affirmative duty to make reasonable efforts to timely obtain solicitation materials. See UpSide Down Prods., B-243308, July 17, 1991, 91-2 CPD ¶ 66 at 3-4 (protest was denied where protester had notice that first page of amendment indicated it contained additional pages and protester failed to take sufficient steps to assure it had them). Additionally, where a protester contends that the agency allowed insufficient time for preparation of proposals, we require a showing that the time allowed was inconsistent with statutory requirements or otherwise unreasonable, or that it precluded full and open

competition. See National Medical Staffing, Inc., B-244096, May 22, 1991, 91-1 CPD ¶ 503 (protest of agency's failure to extend a closing date was dismissed where the protester, which had not requested a copy of the solicitation until 9 days before proposals were due, had constructive notice of the public posting of the issued solicitation a month before the closing date).

In arguing that the solicitation's closing date should have been extended, Coyol highlights the delay it experienced in accessing the RFP between September 10 and 12 as a consequence of the restricted-access procedures and the need for FedBizOpps to review the matter of Coyol's access. These procedures, however, had been clearly announced in the July 17 pre-solicitation notice as well as the August 23 solicitation announcement itself. Coyol apparently did not attempt to access the restricted solicitation until September 10, only 13 days before the scheduled closing date. Our review of the record shows that Coyol's delay in accessing the RFP is primarily attributable to its having waited nearly 3 weeks after the RFP was posted on FedBizOpps to attempt to access it.

Since Coyol's alleged inability to submit a proposal by the closing date was due primarily to its own failure to make reasonable efforts to timely obtain a copy of the solicitation, rather than any improper action by the agency, we have no basis to conclude that the agency's refusal to extend the closing date was improper.¹ See National Medical Staffing, Inc., supra.

The protest is denied.

Susan A. Poling
General Counsel

¹ The agency reports that it received five proposals in response to the solicitation, which we consider adequate competition, and there has been no allegation or showing that the agency's actions were motivated by an intent to prevent Coyol from competing. See MISSO Servs. Corp., B-215544, Oct. 2, 1984, 84-2 CPD ¶ 383 at 4.