



## Decision

**Matter of:** Richen Management, LLC

**File:** B-410903

**Date:** March 10, 2015

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Richard McCue for the protester.  
Meaghan LeClerc, Esq., General Services Administration, for the agency.  
Mary G. Curcio, Esq., and David A. Ashen, Esq., Office of the General Counsel,  
GAO, participated in the preparation of the decision.

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### DIGEST

Protest of agency's refusal to extend the period for receipt of proposals beyond 28 days is denied where: (1) the solicitation contemplated submission of offers for commercial janitorial and mechanical maintenance services; (2) the agency notified offerors of its requirement in a sources sought notice almost 11 months before the closing date and synopsisized the acquisition 57 days before the closing date; and (3) the need to maintain continuity of services precluded an extension.

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### DECISION

Richen Management LLC, of Dover-Foxcroft, Maine, protests that the General Services Administration (GSA) did not allow sufficient time to prepare proposals in response to request for proposals (RFP) No. GS-01P-15-BW-D-0003, for janitorial and mechanical maintenance services at the Land Ports of Entry in Jackman and Coburn Gore, Maine.

We deny the protest.

A sources sought notice for this requirement was published on the Federal Business Opportunities (FedBizOps) website on January 14, 2014. Agency Report (AR), Tab 8, Source Sought Announcement. The requirement was synopsisized via FedBizOps on October 8. AR, Tab 7, Synopsis. On November 6, the RFP was issued via FedBizOps as a small business set-aside utilizing commercial item procedures. AR, Tab 4, RFP, at 315, 326. The RFP required that offers be submitted by December 2. A pre-proposal conference was held on November 17. On November 25, GSA issued amendment numbers 1 and 2 to clarify various requirements in the solicitation; amendment 1 also extended the due date for

receipt of proposals to December 4. AR, Tab 5, RFP, Amend. 1, Tab 6, RFP, Amend. 2. On December 1, Richen requested that the agency extend the due date for proposals by one week. That request was denied and Richen submitted its protest to our Office. Five proposals were received by the closing time on December 4. Contracting Officer's Statement (COS) at 2.

Richen asserts that the agency did not allow sufficient time for offerors to prepare their proposals. According to Richen, the 28-day period between issuance of the solicitation and the amended closing date afforded insufficient time in which to furnish the extensive information required under the solicitation, including such items as a copy of an executed joint venture or partnership agreement for offerors proposing a contract team arrangement; most recent certified financial statement; a minimum of three past performance evaluations, completed either through the government's Contractor Performance Assessment Reporting System or past performance questionnaires; management plan; and environmental consideration plan. See RFP at 326-31. The protester further asserts that the agency did not take the Thanksgiving holiday into consideration.

Agencies generally must allow at least 30 days from the date of issuance of the RFP for the receipt of proposals. Federal Acquisition Regulation (FAR) § 5.203(c). However, an agency may allow fewer than 30 days to respond to an RFP where, as here, it is acquiring commercial items. Id.; FAR § 12.205(c). When acquiring commercial items, the contracting officer should afford potential offerors a reasonable opportunity to respond considering the circumstances of the acquisition, such as the complexity, commerciality, availability, and urgency of the individual acquisition. FAR § 5.203(b).

Under the circumstances here, we find no basis to object to the agency's refusal to further extend the closing date. As noted by the contracting officer, the solicitation was issued for commercial janitorial and mechanical maintenance services. COS at 1. Thus, the agency could allow fewer than 30 days to respond to the RFP, but was required to provide offerors a reasonable opportunity under the circumstances of the acquisition to prepare and submit proposals. FAR §§ 5.203(b), 12.205(c). As further noted by the agency, potential offerors were on notice of the forthcoming acquisition as of the sources sought notice published on January 14, 2014, almost 11 months before the closing date, with further detail (required services, operating hours, tenant numbers, and interior and exterior square footage) provided in the October 8 synopsis, 57 days before proposals were due. COS at 1-2. Further, under the FAR, the urgency of the acquisition is also an appropriate consideration. FAR § 5.203(b). Here, the contracting officer explains that she also considered denying the request for an extension due to the urgency of the procurement; according to the contracting officer, the procurement could not be delayed any further if continuity of services was to be maintained since the current contract had been extended for the last time, and will expire on March 31, and a 30-60 day transition period will be required for the new contract. COS at 2.

Given the commercial nature of the services, the advance notice of the requirement as set forth in the sources sought and detailed synopsis, the 28 days to respond to the RFP, and the urgency of the agency's requirement, we find no basis to question the agency's conclusion that the proposal response period was consistent with the FAR and provided offerors a reasonable opportunity to prepare and submit proposals. Indeed, the reasonableness of the response period is supported by the fact that the agency received 5 proposals by the closing date.<sup>1</sup>

The protest is denied.

Susan A. Poling  
General Counsel

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<sup>1</sup> We note that the record indicates that a significant reason that Richen appeared to require an extension is because it reportedly waited until the November 17 pre-proposal conference to determine potential team members. Protest at 7. However, there does not appear to be any reason why Richen could not have started the process of looking for team members earlier. Again, Richen was on notice of the agency's requirement as long ago as January 14, and on notice of the actual procurement as of the October 8 synopsis.