



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: ECO, L.C.

File: B-270910; B-270911; B-270912

Date: January 25, 1996

DECISION

ECO, L.C. protests the awards by the Department of the Army under contract No. DAAD09-96-C-0001, and purchase orders Nos. DAAD09-96-M-0097 and DAAD09-96-M-0099.

We dismiss the protest as untimely because it was filed more than 14 calendar days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 14 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. Section 21.2(a)(2), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(2)). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 14-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.—Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

Here, the agency furnished the protester a letter dated December 5, 1995, with attachments (received by the protester on December 6, 1995) which explained in detail the circumstances of these three noncompetitive awards and which included copies of the contract, purchase orders, and the written justifications for the noncompetitive interim awards pending a new competitive solicitation. The protester did not file its protest of these awards and of its failure to be solicited for the work until January 18, 1996, although it clearly knew these grounds of protest on December 6. It claims it recently discovered that the contracting official had contacts with the awardees, ECO's former subcontractors under its now expired

agency contract. Given that these firms received the award which obviously required contacts between the parties, and ECO knew of the awards on December 5, we do not see how this excuses its failure to file timely.

The protest is dismissed.

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