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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-187616

**DATE:** October 22, 1976

**MATTER OF:** Didactic Systems, Inc.

**DIGEST:**

Protest against exclusion of proposal from competitive range is untimely where protester received letter from procuring agency on September 10, 1976, advising of reasons for rejection and protest was not filed with GAO until October 12, 1976, as 4 C.F.R. § 20.2(b)(2) requires protest to be filed not later than 10 days after basis of protest is known or should have been known.

Didactic Systems, Inc. (Didactic), has protested the determination by the United States Environmental Protection Agency (EPA) that its proposal submitted under request for proposals (RFP) No. WA76-E130 was outside the competitive range.

It appears from the information before our Office that on May 5, 1976, Didactic was advised that its proposal had been determined to be outside the competitive range and on May 25, 1976, Didactic was informed that award had been made to another offeror. On August 13, 1976, Didactic requested an explanation from EPA as to why its proposal was outside the competitive range and EPA responded by letter dated September 3, 1976, which was received by Didactic on September 10, 1976. Didactic's protest letter to our Office was received on October 12, 1976.

Our Bid Protest Procedures, specifically 4 C.F.R. § 20.2(b)(2) (1976), state that in order to be timely a protest must be filed with our Office not later than 10 days after the basis of the protest is known or should have been known. Taking the facts most favorable to Didactic, it knew on September 10, 1976, of EPA's reasons for not considering its proposal and since its protest was not filed with our Office until October 12, 1976, the protest is untimely and not for consideration.

*Milton Arosola*  
for Paul G. Dembling  
General Counsel