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Has further.
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DECISION



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

FILE: B-190449

DATE: November 30, 1977

MATTER OF: H. G. Peters and Co. Inc.

DIGEST:

Protest filed more than 10 working days after basis of protest was known (award to higher-priced offeror) was untimely filed and will not, therefore, be considered.

H. G. Peters and Co. Inc. (Peters) protests the award of a contract to Courseware Inc. under Department of the Air Force request for proposals No. F04702-77-R-0015 on the basis that it, Peters, was the low, responsive, and responsible offeror and that to award to a higher-priced offeror is not in the best interest of the Government.

We have been advised that on September 23, 1977, the contracting activity verbally notified Peters of the award to Courseware and of the exact award price. While Peters indicated that it might protest the award, no official protest was lodged until a letter to that effect was filed with our Office on October 17.

It is provided at 4 C.F.R. § 20.2(b)(2) (1977) in our Bid Protest Procedures that in instances such as the above the protest shall be filed within 10 working days of the date that the basis of the protest becomes known. Since Peters knew on September 23 that it had received award on its lower-priced offer but did not file a protest until October 17--15 working days after September 23--we find the protest untimely filed and not for our consideration.

Paul G. Dembling
Paul G. Dembling
General Counsel