

DOCUMENT RESUME

08148 - [C3468575]

[Untimely Protest against Contract Award]. B-193349. December 8, 1978. 2 pp.

Decision re: Eagle International, Inc.; by Milton J. Soclar, General Counsel.

Contact: Office of the General Counsel; Procurement Law I.  
Organization Concerned: Immigration and Naturalization Service.  
Authority: 4 C.F.R. 20.

A protester alleged that it was the low bidder on a solicitation, that it was better qualified than the awardee, and that the agency may have divulged its pricing information to the competition before the bidding occurred. The protest was untimely because it was filed more than 10 working days after the basis for protest was known and, as a result, was not considered. (RRS)

**DECISION**



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

*M. Frost  
7/9/81*

*8575*

FILE: B-193349

DATE: December 6, 1978

MATTER OF Eagle International, Inc.

DIGEST:

Protest filed more than 10 working days after the basis of the protest was known is untimely and not for consideration by our Office.

Eagle International, Inc. (Eagle), protests against the award of a contract to a company in Virginia by the Department of Justice, Immigration and Naturalization Service, under solicitation No. CO-32-78. Eagle alleges that it is the low bidder and better qualified than the Virginia company and that pricing information it furnished to representatives of the Immigration and Naturalization Service before bids were solicited may have been divulged to the competition before the bidding occurred.

Bid opening was September 20, 1978, and award was made on September 29, 1978. We have been informed by the Department of Justice that Eagle was orally notified of the award on October 2, 1978. Eagle filed its protest with our Office on October 30, 1978.

Section 20.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), states in pertinent part as follows:

" \* \* \* bid protests shall be filed [received] not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier."

Since Eagle knew the basis of the protest on October 2, 1978, and did not file its protest with our Office until October 30, more than 10 days after the

basis of the protest was known, the protest is untimely and not for consideration by our Office.

*Milton J. Socolar*

Milton J. Socolar  
General Counsel