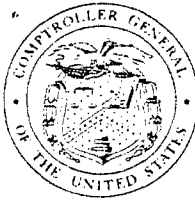


DECISION



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

10,386

FILE: B-194862

DATE: June 6, 1979

MATTER OF: Midwest Telecommunications

[Protest of Contract Award By Department of Army]

DIGEST:

Protest filed more than 10 days
after basis for protest was known
(notice of award) is untimely under
§ 20.2(b)(2) of GAO's Bid Protest
Procedures.

7LG-01729
AGC 00702

Midwest Telecommunications (Midwest) protests the award of a contract by the Department of the Army, Sacramento Army Depot, Sacramento, California, under request for proposals No. DAAG08-79-R-0147.

Midwest contends that adequate time was not allowed to respond to specific questions concerning the RFP. Midwest specifically refers to a telegram dated April 5, 1979, which allegedly requested a response before the telegram had been sent.

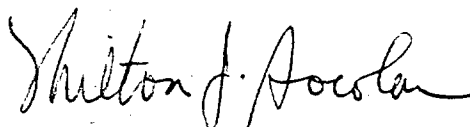
We have been informed by the Army that the telegram was a request for best and final offers. The Army awarded the contract on April 6, 1979, and sent a notice of award to Midwest on the same date. Midwest filed its protest with our Office on May 15, 1979.

Section 20.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), provides that "protests shall be filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier."

Since Midwest did not file its protest with either the agency or our Office until May 15, more than 10 days after the basis of the protest was known (April 6 notice of award) the protest is untimely and not for consideration by our Office.

005505

Therefore, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar
General Counsel