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DECISION



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

FILE: B-196503

DATE: January 22, 1980

MATTER OF: Lab Tex Nuclear, Inc. - 3651

[Protest Against Air Force Rejection of Offer]

DIGEST:

Protest filed more than 10 days after basis
of protest was known is untimely. 4 C.F.R.
§ 20(b) (1979).

3652

Lab Tex Nuclear, Inc. (LTN) protests the award of
a contract to Searle Radiographics (Searle) for main-
tenance of medical equipment at Wilford Hall Medical
Center, Lackland Air Force Base, Texas.

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The Air Force first issued the solicitation, RFP No.
F41800-79-R-0345, on July 16, 1979, to Searle on a sole-
source basis. LTN and another firm requested copies of
the solicitation, and submitted proposals for some, but
not all, of the required items. Searle proposed on all
items. The Air Force reports that it amended the solic-
itation to require that offerors propose on all items,
and to request best and final offers by August 23, 1979.
LTN failed to offer a price for every item, and again
Searle offered to perform all items. Award was made to
Searle on August 30, 1979.

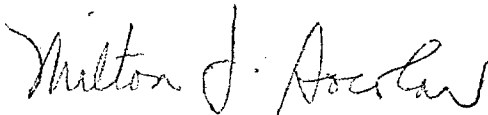
According to the Air Force, it informed LTN on
August 29, 1979, that its offer was being rejected. LTN
filed its protest on October 19, 1979, basically chal-
lenging the rejection of its offer for failure to include
all items.

In our Bid Protest Procedures, we require that to
be timely a protest must be filed within 10 days after
the basis of the protest is known or should have been
known, whichever is earlier. 4 C.F.R. § 20(b)(2) (1979).

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Apparently, LTN did know the basis of its protest on August 29. Its submission indicates that LTN then complained to a local SBA representative about the rejection of its offer and the award to Searle. However, LTN did not file its protest with this Office until October 19, 1979, approximately one and one-half months after the basis of the protest was known. Therefore, the protest is untimely.

The protest is dismissed.

A handwritten signature in dark ink, appearing to read "Milton J. Soclar". The signature is written in a cursive, flowing style with a large initial "M".

Milton J. Soclar
General Counsel