

13683 PL-II

## DECISION



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

FILE: B-198434

DATE: May 9, 1980

MATTER OF: Wang Laboratories

DLG001915

[Protest Alleging Delivery Date Was Restrictive  
of Competition]

## DIGEST:

Protest that delivery date for automatic data processing equipment is restrictive of competition is untimely where filed 16 working days (24 calendar days) after publication of Commerce Business Daily (CBD) synopsis, since protester is charged with constructive notice of CBD announcement and protest was not filed within 10 days after basis of protest should have been known. 4 C.F.R. § 20.2(b)(2)(1980).

Wang Laboratories (Wang) filed a protest on April 10, 1980, complaining that the Office of Personnel Management's (OPM) March 19, 1980, Commerce Business Daily (CBD) announcement regarding OPM's intended issuance of a delivery order for automatic data processing (ADP) equipment from a General Services Administration ADP schedule contractor specified a delivery date which is restrictive of competition. DLG00925 AGP0007

Our Bid Protest Procedures require that protests (other than those based upon alleged improprieties apparent in a solicitation) must be filed within ten working days after the basis for protest was known or should have been known, whichever is earlier. 4 C.F.R. § 20.2(b)(2)(1980). The submission does not indicate when Wang had actual knowledge of the announcement. However, protesters are charged with constructive notice of announcements published in the CBD, Jet Electronics and Technology, Inc., B-193981, April 19, 1979, 79-1 CPD 279. Therefore, the protester is charged with knowledge of its basis for protest after the March 19 publication of the CBD, allowing a reasonable period for receipt of the publication. Delphi Industries, Inc., 58 Comp. Gen. 248 (1979), 79-1 CPD 67.

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Wang did not file its protest until 16 working days (24 calendar days) after publication of the CBD announcement. Even allowing a calendar week for receipt of the CBD, the protest would be untimely and will not be considered on its merits.

The protest is dismissed.

*Harry R. Van Cleve*  
*for* Milton J. Socolar  
General Counsel