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**DECISION**



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

FILE: B-205731

DATE: December 28, 1981

MATTER OF: Qualex Technology Incorporated

**DIGEST:**

Protest against an agency's determination to exclude the protester's proposal from the competitive range is untimely under 4 C.F.R. § 21.2(b)(2) (1981) since the protest was filed more than 10 working days after the basis of protest was or should have been known.

Qualex Technology Incorporated (QTI) protests the determination of the National Aeronautics and Space Administration (NASA) to exclude QTI's proposal from the competitive range in connection with NASA's procurement of a high performance tape memory subsystem under request for proposals No. 5-47098/036.

QTI advises that on October 29, 1981, it received notice that NASA considered QTI's proposal to be technically unacceptable for three specific reasons. On December 7, 1981, QTI protested here contending that NASA's reasons for rejecting its proposal were insufficient and inaccurate and that NASA's error could have been avoided if NASA conducted discussions with QTI prior to rejecting its proposal.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1981), require that a protest be received by either the contracting agency or our Office within 10 days after the basis for protest was known or should have been known, whichever is earlier. Here, QTI knew or should have known its basis of protest no later than October 29, 1981. Consequently, QTI was required to file its protest within 10 working days of that date. Since QTI's protest was not received here until December 7, 1981, it is untimely and will not be considered on the merits. U.S. Eagle, Inc., B-200150, September 10, 1980, 80-2 CPD 189; Continental Engineering, Inc., B-202422, March 30, 1981, 81-1 CPD 239.

Accordingly, we dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel.