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DECISION



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

FILE: B-206016

DATE: February 3, 1982

MATTER OF: Astra Systems

DIGEST:

Protest filed more than 10 days after basis of protest was known, or should have been known, is untimely.

Astra Systems (Astra) protests the Air Force's award of 10 small purchases under Defense Acquisition Regulation § 3-604.1 (Defense Acquisition Circular No. 76-25, October 31, 1980) for replacement parts to be used on equipment furnished by Honeywell, but originally manufactured by others.

Astra argues that the Air Force improperly used information furnished with its quotation to go beyond the Honeywell part numbers and track the identity of the original equipment manufacturers. Once the Air Force identified and solicited the manufacturers, Astra was forced out of the picture since as a dealer (or middleman) Astra was not in a position to underbid the manufacturer and still make a profit.

We find that the protest was untimely filed.

The Air Force advises that accompanying Astra's quote was a self-addressed postcard which requested that the Air Force return the card to Astra listing all of the awardees. The last award was made on August 26, 1981, and the Air Force mailed the postcard to Astra on the same day.

Our Bid Protest Procedures require that protesters file their protests no later than 10 days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1981). Astra's December 26, 1981, letter of protest was received on January 5, 1982. The postcard showed that neither Honeywell nor Astra was receiving award and that, in fact, the original equipment manufacturers,

allegedly identified by Astra, were the recipients. Astra was on notice of the basis of its protest at least by early September 1981. We did not receive the Astra protest until January 5, 1982, beyond the 10-day time constraint established by 4 C.F.R. § 21.2(b)(2).

The protest is dismissed.

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