

DECISION

119552 E. 10/20
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-208786**DATE:** September 24, 1982**MATTER OF:** Mitek Systems, Inc.**DIGEST:**

When potential protester has failed to diligently seek information that will form the basis for its protest, as by not requesting a debriefing or information on evaluation until a month after announcement of an award to its competitor, GAO will dismiss ultimately-filed protest as untimely.

Mitek Systems, Inc. protests the award of a contract by the Naval Regional Contracting Center, Long Beach, California, to DataWare Development under solicitation No. N00123-81-R-1337. DataWare will provide an operational readiness monitoring system to the Naval Oceans Systems Center for a total price of \$997,667. We dismiss the protest.

Mitek's submission to our Office includes copies of an announcement of the award dated July 7, 1982, and a letter to the Navy dated August 6 in which Mitek requested information on evaluation and an "in-person critique with a point-by-point comparison" of the two firms' proposals. Mitek characterized this letter to the Navy as an official protest. Following an August 13 debriefing, Mitek on August 24 wrote the contracting officer, stating that it had been advised that the proposals were technically very close and arguing that Mitek's lower price therefore should have been the deciding factor. Mitek objected to the fact that the Navy had not conducted negotiations and stated that if these were held, it was prepared to lower its price even further. Mitek's concurrent protest to our Office was received on August 26.

Our Bid Protest Procedures, 4 C.F.R. § 21.2 (1982), require protests to be filed within 10 days after the basis for them is known or should have been

known. While Mitek's protest to our Office was filed within 10 working days of its debriefing, we do not consider it timely.

As indicated above, Mitek waited a month after announcement of the award to DataWare before seeking a debriefing or information on the evaluation of its own and its competitor's proposals. We have stated, however, the protesters must diligently pursue information that forms the basis of a protest, and if they do not do so within a reasonable time, our Office will dismiss an ultimately-filed protest as untimely. In this case, we do not consider Mitek's request for information or protest to the Navy to have been made within a reasonable time, and we believe Mitek should have known the basis for its protest to our Office earlier. See Entron, Inc., B-202397, August 12, 1981, 81-2 CPD 128, and National Council of Senior Citizens, Inc., B-196723, February 1, 1980, 80-1 CPD 67, both dismissing protests filed after similar delays.

The protest is dismissed.

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