

Klaykin
120086

DECISION



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

FILE: B-209779

DATE: December 9, 1982

MATTER OF: CRA, Inc.

DIGEST:

Protest filed with GAO more than 10 working days after protester knew basis for protest is untimely.

CRA, Inc. protests the Navy's issuance of a delivery order on a sole-source basis to Honeywell Information Systems under solicitation No. N00228-82-R-6556 for the rental and maintenance of computer equipment. CRA complains that the Navy issued the order without waiting 10 days after issuing notice of the procurement in the Commerce Business Daily, as promised in the notice. That period was provided for firms believing they could supply comparable equipment to so advise the contracting activity. CRA asserts that in fact it can furnish acceptable equipment. We dismiss the protest as untimely.

The Commerce Business Daily notice appeared in the September 24, 1982 issue. By letter of September 29 to the Navy, CRA alleged that it could meet the agency's needs. The Navy, however, issued the order to Honeywell on October 1, and informally advises that it notified CRA of this action by telephone on October 20. CRA then sent a letter on November 1 to the Navy stating its disappointment with the agency's decision and its intention to seek this Office's review of the case. We received CRA's November 3 letter of protest on November 8.

Under our Bid Protest Procedures, a protest, to be timely, must be filed in our Office within 10 working days after the protester has notice of the basis for its complaint. 4 C.F.R. § 21.2(b)(2) (1982). CRA was notified of the Navy's decision on October 20; therefore, the 10-day protest period ended November 3. Since a protest is filed in our Office for purposes of our timeliness rules when we receive it, 4 C.F.R. § 21.2(b)(3), CRA's November 8 protest is untimely. See NCR Corporation, Micrographics Systems Division, B-207604, June 11, 1982, 82-1 CPD 567.

B-209779

The protest is dismissed.

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