

DECISION

25501

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

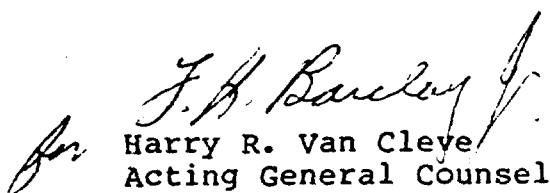
FILE: B-210927.2**DATE:** June 21, 1983**MATTER OF:** Harter Corporation**DIGEST:**

Protest not received by GAO within 10 working days after the protester knew or should have known the basis of its protest is untimely and will not be considered.

Harter Corporation protests the rejection of its offer under request for technical proposals No. 10-0019-3 issued by the National Aeronautics and Space Administration (NASA) for the manufacture, delivery and installation of acoustical panels and partitions at the John F. Kennedy Space Center. We dismiss the protest as untimely.

Our Bid Protest Procedures provide that protests alleging other than solicitation deficiencies apparent before bid opening or the closing date for receipt of proposals shall be filed not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1983). Here, the apparent basis for Harter's protest is NASA's letter of April 29, 1983, rejecting the firm's proposal as technically unacceptable and stating the specific reason for rejection. The protest was not received in our Office until May 24. We assume that Harter received the April 29 letter within 1 week, and thus more than 10 working days before our May 24 receipt of the protest. See Travel Corporation of America, B-209368, November 22, 1982, 82-2 CPD 467.

Since the protest was not filed in our Office within the required time period, it is untimely and will not be considered. Thomas & Sons, Inc., B-210670, February 17, 1983, 83-1 CPD 170. The protest is dismissed.

for 
Harry R. Van Cleave
Acting General Counsel

025932