

25793

DECISION



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

FILE: B-212066

DATE: July 21, 1983

MATTER OF: FLS, Inc.

DIGEST:

Protest filed more than 10 working days after the protester obtained knowledge of the basis of its protest during an oral debriefing is dismissed as untimely. The 10-day filing requirement is not extended to allow the protester to wait for written confirmation of the debriefing information.

FLS, Inc. protests against the award of a contract for training services to Communication Skills Co. under request for proposals No. 83-58(N) which was issued by the Department of Health and Human Services. FLS contends that its proposal met all of the specification requirements and that its price was lower than that of the awardee.

We dismiss the protest.

FLS's protest, which was received in our Office on June 13, 1983, included a June 1 letter from the agency advising FLS of the reasons why its proposal was rejected. The agency, however, has informed us that this was in response to a request from FLS on May 25 for written confirmation of an oral debriefing conducted by telephone on May 24. The agency states that the June 1 letter merely reiterated the information given to the firm in the oral debriefing, which forms the basis of FLS's protest, and stated the basis for the selection of the awardee. June 13 is more than 10 working days after May 24, when the oral debriefing was given.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), require that protests, other than those about alleged improprieties apparent from the solicitation, be filed in our Office not later than 10 working days after the basis for protest is known or should have been known,

026209

B-212066

whichever is earlier. When a debriefing provides the basis for protest, the 10-day filing requirement does not allow a protester 10 days from the date of its receipt of written confirmation of the information furnished it through the debriefing. C-Tech, Inc., B-207145, April 28, 1982, 82-1 CPD 400.

As FLS's protest was not filed within 10 working days from the date it was orally given the information that forms the basis of its protest, it is untimely and will not be considered on its merits. The protest is dismissed.

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