

**DECISION**

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

27266

**FILE:** B-213947**DATE:** January 23, 1984**MATTER OF:** Econometric Research, Inc.**DIGEST:**

Protest against agency decision to conduct sole-source negotiations is untimely because it was filed more than 10 working days after announcement of decision in Commerce Business Daily (CBD). The protester is charged with constructive notice of CBD announcement and protest was not filed within 10 working days after basis of protest was known or should have been known. 4 C.F.R. § 21.2(b)(2) (1983).

Econometric Research, Inc. (ERI), protests the Department of Labor's (DOL) conducting sole-source negotiations with Statistica, Inc. (SI), for expert witness statistical services. We dismiss the protest as untimely.

ERI's protest dated December 15, 1983, was received by our Office on December 16, 1983. ERI states that the November 15, 1983, Commerce Business Daily (CBD) announced DOL's sole-source negotiations with SI.

Our Bid Protest Procedures require that protests be received in our Office or the contracting agency within 10 working days after the basis for the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1983). Moreover, protesters are charged with constructive notice of announcements published in the CBD. See WGBH Educational Foundation, B-211092, July 21, 1983, 83-2 CPD 105. Therefore, ERI should have known of the facts giving rise to the protest as a result of the CBD notice of November 15. The fact that ERI filed this protest on December 16, a month later, renders the protest untimely.

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

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