

**DECISION**

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

**FILE:** B-215377

**DATE:** September 6, 1984

**MATTER OF:** Dorset Manufacturing & Electronics, Inc.

**DIGEST:**

A protest not received in our Office within 10 working days after the basis of the protest is known or should have been known is untimely and will not be considered.

Dorset Manufacturing & Electronics, Inc. (Dorset), protests the award under request for quotation (RFQ) No. DAAA09-84-T-0876 issued by the Department of the Army (Army) and the determination that Dorset was nonresponsible.

We dismiss the protest.

The protest was received in our Office on May 24, 1984. The Army contends that the protest is untimely and alleges that Dorset knew or should have known the basis of its protest on May 8, 1984, more than 10 working days prior to the date the protest was received in our Office. In support of the allegation, the Army has furnished the sworn statement of Captain Cleo F. Mackey, Jr., Chief, Small Purchase Branch, Rock Island, Illinois, in which Captain Mackey attests that on May 8, 1984, Captain Mackey phoned Ms. Tron of Dorset and informed Ms. Tron that Dorset had been determined to be nonresponsible and would not be awarded the requirement.

In response, Dorset contends that its protest is timely because Dorset phoned the procuring activity on May 15 and on May 18 to inquire about the status of the award and received notification by mail on May 18 that the award had been made. However, Dorset has not denied that it was informed by phone on May 8 that Dorset had been determined to be nonresponsible and would not be awarded the contract.

Section 21.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1984), provides that a protest must be received in our Office within 10 working days after the basis of the protest is known or should have been known.

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The Army has shown, and Dorset has not denied, that Dorset was notified on May 8, 1984, by phone that Dorset had been determined to be nonresponsible and would not be awarded the contract. Therefore, Dorset knew or should have known the basis of its protest on May 8, but did not file its protest in our Office until more than 10 working days later. Although Dorset continued to inquire about the status of the award, there is no showing or allegation that Dorset protested the adverse determination to the Army.

Therefore, the protest is untimely and will not be considered.

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