

**DECISION**

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

**FILE:** B-218051

**DATE:** February 8, 1985

**MATTER OF:** Tracor Applied Sciences

**DIGEST:**

1. Protest is dismissed as untimely when not filed within 10 working days after protester learned protest basis.
2. Inauguration Day is a working day of the federal government generally, and thus will be counted as a working day in considering whether a protest has been timely filed.

Tracor Applied Sciences (Tracor) protests the award of a contract to RCA Corporation under request for proposals (RFP) No. N00612-84-R-0183, issued by the Department of the Navy for engineering and technical services. Tracor contends, in essence, that because RCA's offered price allegedly was significantly below cost, either RCA should be found nonresponsive; its offer should be found nonresponsive; or the agency's needs should be found to have been overstated.

The Navy argues that Tracor's protest is untimely. We agree and dismiss the protest.

Under our Bid Protest Regulations, protests must be filed within 10 working days after the protester knows or should have known the basis for the protest. 49 Fed. Reg. 49,917, 49,420 (1984) (to be codified at 4 C.F.R. § 21.2 (a)(2)). Tracor states that its protest is based on a synopsis of RCA's offered prices, which it received from the Navy on January 8, 1985. To be timely, therefore, Tracor's protest had to be filed no more than 10 working days later--by January 22. Since we did not receive the protest until January 23, 11 days later, it is untimely and will not be considered.

In reaching our conclusion, we have considered the fact that Tracor's protest would be timely if Inauguration Day, January 21, were not counted as a working day of the federal

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government, since only federal working days are counted in determining timeliness. See 49 Fed. Reg. 49,417, 49,419 (1984) (to be codified at 4 C.F.R. § 21.0(d)). Although Inauguration Day is a holiday in the District of Columbia, and federal offices in the city, including our Office, generally are closed, Inauguration Day is not a national holiday and federal offices around the country generally are open. For this reason, we held in our decision, Mutual of Omaha Insurance Co., B-201710, Jan. 4, 1982, 82-1 C.P.D. ¶ 2, that Inauguration Day technically is a federal working day within the meaning of our procedures. We did go on to consider that protest because Inauguration Day was the tenth day of the timeliness period and the protest thus could not be filed in our Office that day. Here, however, the final day of the timeliness period was January 22, the day after Inauguration Day, and Tracor thus could have filed its protest on that day. Because it did not do so, its protest is untimely.

The protest is dismissed.



Comptroller General  
of the United States