

DECISION

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

FILE: B-218553.2 **DATE:** May 14, 1985 -
MATTER OF: C-RAN Corporation

DIGEST:

1. Protests alleging other than solicitation improprieties must be filed (received) not later than 10 working days after the basis of protest is known or should have been known, whichever is earlier.
2. A protester's assertion that it was unaware of the requirement to furnish a copy of the protest to the contracting agency is not a defense to a dismissal of the protest since the firm is charged with constructive notice of GAO's Bid Protest Regulations through their publication in the Federal Register.

C-RAN Corporation protests the cancellation of solicitation No. N00163-84-R-1091, issued by the Department of the Navy as a sole-source procurement for the acquisition of Swimmer Rescue Radios. C-RAN, the prospective sole-source supplier, principally alleges that the cancellation was the direct result of the Navy's failure to negotiate a fair and reasonable price with the firm in good faith. We dismiss the protest.

On April 12, 1985, C-RAN protested the cancellation to this Office. Because the firm failed to furnish a copy of the protest to the contracting agency as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1985), we dismissed the protest. See Brunk Tool & Die Co., B-218154.2, Mar. 6, 1985, 64 Comp. Gen. _____, 85-1 CPD ¶ 282. C-RAN then refiled the protest on April 30. Under any view of the matter, the firm's allegations are untimely raised and therefore will not be considered.

Our regulations provide that protests alleging other than solicitation improprieties shall be filed (received) not later than 10 working days after the basis of protest

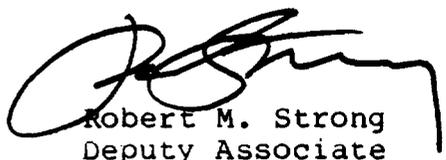
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is known or should have been known, whichever is earlier. See 4 C.F.R. § 21.2(a)(2). C-RAN's own submissions establish that the firm had participated in what proved to be fruitless price negotiations with the Navy for several months prior to filing its initial protest, and that the firm learned, at the latest, on March 28, 1985, that the Navy was canceling the solicitation. Therefore, the firm's April 12 protest was untimely since it was filed beyond the 10-day period. In any event, the initial protest was not perfected and was dismissed because of C-RAN's failure to furnish a copy to the agency, and the subsequent filing of April 30 is likewise untimely because it was filed more than 10 working days after the basis of protest arose.

To the extent that C-RAN asserts that we should not have dismissed its initial protest because the firm was unaware of the requirement to furnish a copy thereof to the agency, we have consistently held that a protester's lack of actual knowledge of our regulations is no defense to a dismissal since our regulations are published in the Federal Register, and protesters accordingly are charged with constructive notice of their contents. Brunk Tool & Die Co., supra. Although the protester asserts that it is a small corporation and cannot keep up with all government regulations, bid protests are serious matters which require effective and equitable procedures so that all parties have an opportunity to present their cases, and so that protests can be resolved within the strict time frames established by the Competition in Contracting Act of 1984, Pub. L. No. 98-369, 98 Stat. 1175.

The protest is dismissed.


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General Counsel