

DECISION

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

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FILE: B-219626 **DATE:** August 5, 1985
MATTER OF: Lewis Corporation

DIGEST:

Protest against agency decision to award sole-source contract filed over 1 month after publication of notice in Commerce Business Daily of decision to negotiate with one source is untimely as publication placed protester on notice of basis of protest prior to closing date.

Lewis Corporation (Lewis) protests the decision of the Navy Aviation Supply Office to award a sole-source contract under request for proposal (RFP) N00383-85-R-3797 for electrical cleaning units by negotiating a contract with Tronic Corporation. Lewis contends that it should have been given an opportunity to compete with Tronic for award of the contract.

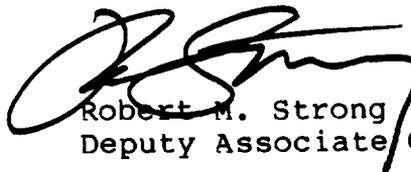
We dismiss the protest as untimely.

Lewis' protest dated July 24, 1985, was filed with our Office on July 26, 1985. Notice that sole-source negotiations with Tronic would be conducted and that the RFP was to be issued on or about May 29, 1985, was synopsisized in the Commerce Business Daily (CBD) on May 25, 1985. The closing date of the RFP was July 17, 1985.

Our Bid Protest Regulations require that protests must be filed within 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2). We have held that the publication of a procurement in the CBD constitutes constructive notice of the solicitation and its contents. Lab Methods Corporation, B-215526, July 17, 1984, 84-2 C.P.D. ¶ 60. Accordingly, Lewis' protest of this sole-source procurement filed with our Office more than 1 month after notice of the solicitation was published in the CBD, is untimely. Delphi Industries Inc., 58 Comp. Gen. 248

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(1979), 79-1 C.P.D. ¶ 70; Cullinet Software, Inc. B-216442,
Jan. 23, 1985, 85-1 C.P.D. ¶ 89; DocuMail Division, Bell and
Howell Company, B-216196, Nov. 26, 1984, 84-2 C.P.D. ¶ 554.



Robert M. Strong
Deputy Associate General Counsel