

# DECISION



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

FILE: B-222374.2 DATE: May 8, 1986

MATTER OF: Diversified American Defense, Inc.

## DIGEST:

Where initial protest was dismissed for failure to state the legal and factual grounds for protest, a later supplemental statement containing such grounds filed more than 10 days after the protester knew the basis for protest is untimely.

Diversified American Defense, Inc. requests reconsideration of our April 1, 1986 dismissal of its protest of the proposed contract award for fin assemblies for mortar ammunition to another firm by the Department of the Army under request for proposals (RFP) No. DAAA09-85-R-1389. Diversified's protest was dismissed because it did not include a statement of the legal and factual grounds for the protest. Although we received a mailgram and additional information from Diversified on April 3, we did not reopen the case because the information had not been filed within 10 working days of March 17 when Diversified learned of the proposed award, and was therefore untimely. On April 22, we received a request for reconsideration that contained essentially the same information we had received on April 3 and stating the belief that the dismissal would not have been made had we known that the information was being sent to us.

We affirm the dismissal.

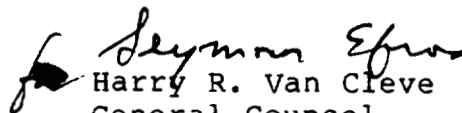
Our Bid Protest Regulations, 4 C.F.R. § 21.1(b)(4) (1985), require that a protest contain a detailed statement of the legal and factual grounds for the protest. Diversified's protest of March 25 did not. It merely stated and it had been informed that the award would go to another company and that it protested such proposed action. This did not constitute a valid protest under our

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regulations and could not be accepted as such. A&M Instrument, Inc.--Request for Reconsideration, B-220167.2, Sept. 30, 1985, 85-2 CPD ¶ 359.

Our regulations also require that protests, other than those based on improprieties apparent in solicitations, be filed not later than 10 working days after the basis of protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2). The information we received on April 3 did state the grounds for the protest but was not received within the required period. Plastics Design, Inc.--Request for Reconsideration, B-219239.2, Oct. 2, 1985, 85-2 CPD ¶ 372; ZB Precision Products, Inc., B-218658, May 10, 1985, 85-1 CPD ¶ 531. In other words, the earlier filing, although timely but incomplete, did not serve to toll the 10-day time limitation for filing a valid protest. Thus, the dismissal of Diversified's protest was proper. See Sermor, Inc.--Reconsideration, B-220041.2, Oct. 8, 1985, 85-2 CPD ¶ 394.

The prior dismissal is affirmed.

  
Harry R. Van Cleve  
General Counsel