



The Comptroller General
of the United States

Washington, D.C. 20548

Ayer

Decision

Matter of: Noreco, Inc.
File: B-223996
Date: September 11, 1986

DIGEST

Protest against cancellation of solicitation is untimely filed with GAO where it was initially untimely filed with contracting agency (more than 10 working days after protester knew of cancellation).

DECISION

Noreco, Inc. protests the cancellation of request for proposals (RFP) No. N61331-86-R-0002, issued by the Naval Coastal Systems Center, Panama City, Florida, for hyperbaric engineering test services. We dismiss the protest as untimely.

Our Bid Protest Regulations provide for our consideration of a protest which initially was timely filed with the contracting agency, if filed with our Office within 10 working days after the protester learned of initial adverse agency action on its protest. 4 C.F.R. § 21.2(a)(3) (1986). To be deemed timely filed with the contracting agency, a protest of other than an apparent solicitation impropriety has to have been received by the contracting agency within 10 working days after the basis of the protest first was known. Id.

Noreco initially filed a protest with the Navy upon learning of the cancellation, according to Noreco, "on or about June 9, 1986." The Navy advises that it received a June 23 letter from Noreco on June 25. The letter indicated Noreco's displeasure with the cancellation and its intent to review the matter with its attorney. The Navy further advises that it did not view the letter as a protest and for that reason did not respond to it. Noreco filed its protest with our Office on August 21.

Even if Noreco's June 23 letter to the Navy is considered a protest, Noreco admits knowing the basis of its protest on June 9, when it received the notice of cancellation from the Navy. Therefore, its protest to the contracting agency on

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June 25 (12 working days later) was untimely. Consequently, the August 21 protest to our Office is untimely. See SACO Defense Systems Division, Maremont Corp., B-212436, Aug. 10, 1983, 83-2 C.P.D. ¶ 200.

The protest is dismissed.



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General Counsel