



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Engineering Consultants & Publications
File: B-225982.2
Date: February 12, 1987

DIGEST

Protest based on knowledge obtained by protester in post-award telephone conversation, in which agency employee read protester agency technical evaluation, is untimely when filed more than 10 working days after the telephone conversation.


DECISION

Engineering Consultants & Publications (ECP) protests the award of a contract to Scientific Management Associates, Inc., by the Department of the Navy under request for proposals (RFP) No. N00140-84-R-0811 for engineering and technical services. ECP contends that the Navy improperly evaluated its proposal. We dismiss the protest in accordance with our Bid Protest Regulations without obtaining a report from the Navy, since it is clear from the material furnished by ECP and information provided by the Navy that the protest is untimely. 4 C.F.R. § 21.3(f) (1986).

The Navy advises that it awarded the contract on December 22, 1986, and that ECP was offered a debriefing on December 23, which ECP declined. At that time, ECP told the Navy that it was protesting the award to our Office. We received ECP's protest on December 30, but we dismissed it the following day because it did not state a detailed basis for protest as required by our regulations. 4 C.F.R. § 21.1(c)(4).

The Navy further advises that ECP telephoned the Navy on December 31 and said that our Office had dismissed its protest. Whereupon, the Navy again offered ECP a debriefing which ECP declined; however, ECP asked the contract negotiator to read the technical evaluation over the phone. The Navy informs us that the contract negotiator read ECP the entire technical evaluation--this information forms the basis of the instant protest--and has not provided ECP any further information since then, although ECP currently has a Freedom of Information Act request pending with the Navy.

Our Bid Protest Regulations require that a protest alleging other than solicitation improprieties be filed no 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). Since ECP learned the basis of its protest on December 31, it should have been filed (received) in our Office by January 15, 1987. Because the protest was not filed until January 21, 1987, the protest is untimely.



for Harry R. Van Cleve
General Counsel