



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## **Decision**

**Matter of:** Chaparral Industries, Incorporated  
**File:** B-225515.3  
**Date:** February 20, 1987

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### **DIGEST**

Protest filed more than 10 days after the basis for protest was known or should have been known is dismissed as untimely.

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### **DECISION**

Chaparral Industries, Incorporated, protests the evaluation criteria under request for proposals (RFP) No. DAAA09-86-R-0107 issued by the Army for fin and nozzle assemblies. Chaparral asserts that the RFP failed to provide an evaluation factor for the cost of deactivating and placing into storage certain government-owned equipment in Chaparral's possession under a prior contract producing fin and nozzle assemblies.

We dismiss the protest as untimely.

The RFP was issued on March 5, 1986, with an extended closing date for the receipt of initial proposals of June 10, at which time offers were received and opened. Award was delayed because the low offeror, Bay Ordnance, Inc., a small business, was found nonresponsible and the matter was referred to the Small Business Administration for consideration under the certificate of competency procedures, and because two other protests were filed in our Office, the last of which was closed on January 12, 1987. On February 5, 1987, Chaparral filed this protest alleging that a government-furnished equipment factor now should be included in the RFP because Chaparral's prior contract was completed on January 14, 1987.

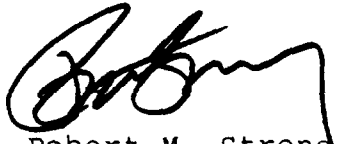
Under our Bid Protest Regulations, protests which allege apparent solicitation improprieties must be filed prior to

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the closing date for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1) (1986). However, Chaparral asserts that when it originally received the RFP with the April 3, 1986, closing date, Chaparral anticipated a timely award prior to the date on which it would complete its existing contract. Moreover, when offers were received and opened on June 10, 1986, its contract was still in progress. Under these circumstances, Chaparral argues that there was no impropriety apparent from the solicitation. However, our Regulations also require that in other cases, protests must be filed not later than 10 days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2).

In this case, Chaparral was aware that award had been delayed, and on December 17, 1986, the Army requested, and Chaparral granted, an offer extension until February 27, 1987. Thus, Chaparral was made aware that award was not contemplated until after the date on which it would complete production under its extant contract. Accordingly, on December 17, or at the latest, on January 14 when it completed the prior contract, Chaparral was aware of its basis for protest, which was a result of the delay in making the award beyond Chaparral's other contract completion date. Chaparral's protest was not filed until February 5, more than 10 days later and is, therefore, untimely.

The protest is dismissed.



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General Counsel