



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Electrospace Systems, Inc.
File: B-227964
Date: July 27, 1987

DIGEST

Protest to the General Accounting Office filed 6 weeks after protester's receipt of agency letter advising protester of award to another firm is untimely for lack of diligent pursuit of information that formed the basis for the protest.

DECISION

Electrospace Systems, Inc., protests the award of a contract to another firm under request for proposals No. N00039-86-R-0274, issued by the Space and Naval Warfare Systems Command, Department of the Navy. The protester contends that it should have received the award based on its technically acceptable, low cost proposal. We dismiss the protest as untimely.

By letter of May 15, 1987, the Navy notified the protester that award had been made to another firm. On June 26, 1987, the protester requested of the agency a copy of the proposal abstract and a debriefing. On July 1, 1987, the agency scheduled a debriefing for August 21, 1987, and provided the requested information upon which this protest is based.

Our Bid Protest Regulations require that bid protests be filed within 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) (1986). A protester has an affirmative obligation to pursue diligently the information that forms the basis of its protest. If it does not do so within a reasonable time, our Office will dismiss the protest ultimately filed as untimely. Continental Telephone Company of California, B-222458.2, Aug. 7, 1986, 86-2 C.P.D. ¶ 167.

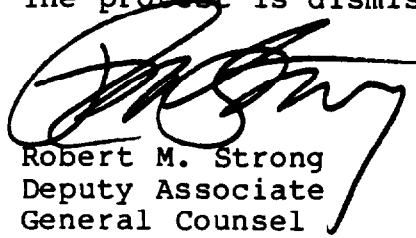
Here, the record shows that between approximately May 15, 1987, and June 26, 1987,--a period of 6 weeks--the protester made no attempt to obtain from the agency information

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concerning the specific reasons for the award to the other firm. Therefore, the protester's July 17 protest, filed just over 2 months from receipt of the notice of award, is untimely.

Because we will not consider the protest on the merits, we will not consider the claims for proposal preparation and protest costs.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel