



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: DeCamp-Brown & Associates

File: B-231397

Date: June 10, 1988

DIGEST

1. Protest against exclusion of proposal from competitive range is dismissed as untimely where filed more than 10 working days after notification of exclusion and the reasons therefor.
2. Protest allegations challenging proposed award are dismissed where protester would not be in line for award if allegations were resolved in its favor, and protester therefore is not an interested party.

DECISION

DeCamp-Brown & Associates protests the exclusion of its proposal from the competitive range and the proposed award of a contract to Alaskan Consulting Surveyors, Inc., under request for proposals (RFP) No. R10-88-12, issued by the Forest Service, United States Department of Agriculture, for a Controller Bay-Bering River Cadastral Survey. We dismiss the protest as untimely filed.

The solicitation was issued on March 8, 1988, and proposals were due by April 7. By letter of April 22, DeCamp was informed that its proposal had been excluded from the competitive range and of the major reasons for the exclusion. DeCamp states that it received this letter on April 25. By letter of May 5, the protester was informed of the agency's intention to make award to Alaskan Consulting, one of the two offerors in the competitive range. On May 11, DeCamp filed this protest with our Office.

The protester objects to the elimination of its proposal from the competitive range on the grounds, among others, that the downgrading of DeCamp's qualifications was arbitrary and capricious and resulted only from the protester's misunderstanding of the solicitation forms, and that the review of its experience and production rates was

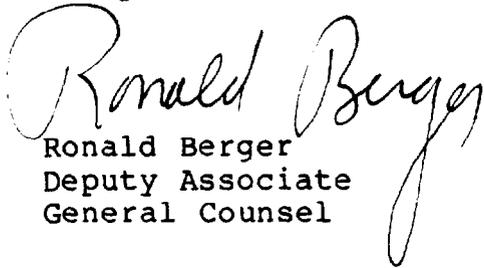
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totally subjective and based on answers to ambiguous and misleading forms with no opportunity for the protester to respond to questions. In addition, the protester claims that the proposed awardee lacks the requisite corporate authorization to practice land surveying in Alaska, and questions the evaluation of the proposed awardee's proposal.

Our Bid Protest Regulations require that a protest be filed within 10 working days after the basis of protest is known or should have been known. See 4 C.F.R. § 21.2(a)(2) (1988). As the protester was aware of the elimination of its proposal from the competitive range and the reasons therefor on April 25, the firm was required to protest on this basis no later than May 9. As DeCamp did not file until May 11, more than 10 working days after April 25, its protest of the rejection of its proposal is untimely and will not be considered.

Since DeCamp's proposal was determined to be outside of the competitive range and DeCamp has not timely challenged the rejection, the firm would not be in line for award of this contract even were it to prevail in its protest of the proposed award to Alaskan Consulting. Hence, DeCamp is not an interested party eligible to challenge the award under 4 C.F.R. § 21.0(a), and we therefore also will not consider this aspect of the protest. Shamrock Foods Company/Sun West Services, Inc.--Reconsideration, B-228892.2, Nov. 30, 1987, 87-2 CPD ¶ 530.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel