



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: S.T. Research Corporation
File: B-232751
Date: October 11, 1988

DIGEST

Protest concerning proposed award of a contract on a sole-source basis is dismissed as untimely when filed more than 10 working days after protester knew or should have known basis of protest.

DECISION

S.T. Research Corporation protests the Navy's proposed sole-source award to ARGOSystems, Inc. of contract No. N00024-87-G-5031, for two single package antenna systems. S. T. Research contends that the award of the antenna system on a sole-source basis is contrary to the mandate of the Competition in Contracting Act of 1984, 41 U.S.C. § 253(c)(1) (Supp. IV 1986), for "full and open competition."

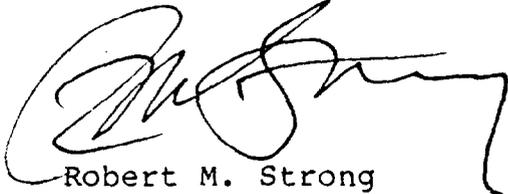
We dismiss the protest as untimely.

A synopsis of the proposed sole-source award was published in the Commerce Business Daily (CBD) on September 7, 1988. We have held that publication of a procurement in the CBD constitutes constructive notice of a solicitation and its contents. Aluminum Co. of America, B-227139, July 21, 1987, 87-2 CPD ¶ 72. Therefore, S.T. Research, by virtue of the September 7 CBD notice, is charged with knowledge of the proposed sole-source award. Pro-Tem, B-23187, April 29, 1988, 88-1 CPD ¶ 427. Our Bid Protest Regulations require that a protest be filed not 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) (1983).

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S.T. Research was required to file its protest on or before September 21. Since the protest was untimely filed (received) in our Office on September 26, it is not for consideration on the merits.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. M. Strong', written over a horizontal line.

Robert M. Strong
Associate General Counsel