



The Comptroller General
of the United States

Washington, D.C. 20548

Ayer

Decision

Matter of: Paragon Dynamics, Inc.
File: B-235567
Date: May 24, 1989

DIGEST

Protest which was initially untimely filed with the contracting agency will not be considered by the General Accounting Office.

DECISION

Paragon Dynamics, Inc., protests the rejection of its low offer under request for proposals (RFP) No. N60921-89-R-A203, issued by the Department of the Navy for an inertial navigation set simulator.

We dismiss the protest as untimely.

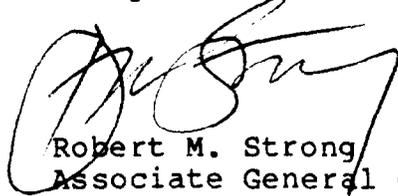
Two offerors responded to the RFP. The Navy received best and final offers from both Vitro Corporation and Paragon. On March 24, 1989, the Navy awarded the contract to Vitro. The protester learned of the award on March 30, during a phone conversation with the agency. The next day, March 31, the protester received a letter confirming the award to Vitro and setting out the agency's reasons for finding the protester's proposal technically unacceptable. By letter dated April 17, Paragon protested the evaluation and rejection of its lower priced offer to the contracting agency. The Navy received the protest on April 21.

Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(3) (1988), if a protest has been filed initially with the contracting agency, in order for our Office to consider a subsequent protest, the initial protest must have been filed in accordance with GAO's timeliness requirements. In this regard, section 21.2(a)(2) of our Regulations requires that a protest be filed not later than 10 working days after the basis of protest is or should have been known. Here, the protester did not protest the rejection of its proposal to the Navy until April 21, more than 10 days after learning on March 31 the reasons why the offer had been rejected. Since

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Paragon's protest to the agency was clearly untimely, we will not consider its subsequent protest to our Office. See Greenville Plumbing and Heating, B-227071, May 7, 1987, 87-1 CPD ¶ 492.

The protest is dismissed.



Robert M. Strong
Associate General Counsel