



**Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter Of:** Areawide Services, Inc.  
**File:** B-241995  
**Date:** November 19, 1990

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Weldon M. Howard for the protester.  
Linda C. Glass, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

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### DIGEST

Protest challenging the rejection of offer as technically unacceptable is untimely when filed more than 10 working days after receipt of agency letter stating reasons for rejecting offer.

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### DECISION

Areawide Services, Inc. protests the rejection of its proposal under request for proposals (RFP) 00-90-R-18, issued by the Department of the Agriculture for security guard services. The proposal was rejected as technically unacceptable because it did not contain sufficient detailed information. We dismiss the protest as untimely because it was filed more than 10 working days after the protester knew of the basis for its protest.

The contracting officer notified the protester by letter dated September 26, 1990, that its offer was determined to be technically unacceptable because it did not contain sufficient detailed information to enable a favorable recommendation. Areawide states in its protest that it received the rejection notice on September 26. Areawide did not file this protest with our Office until November 8, after it had received notification that award was made on November 2 to Executive Security, Inc.<sup>1/</sup>

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests

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<sup>1/</sup> Areawide suggests in its protest that its proposal was rejected for reasons not stated in the September 26 letter. However, the agency has confirmed that Areawide's proposal was rejected because it lacked detail.

not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1990). Here, Areawide knew of the basis for the agency's rejection of its proposal on September 26. Since the protest was not filed with our Office until November 8, more than 10 working days after the protester learned of the rejection, it is untimely.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

The protest is dismissed.



Michael Golden  
Assistant General Counsel