



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** EDP Technologies, Inc.

**File:** B-257231

**Date:** May 11, 1994

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### DECISION

EDP Technologies protests the evaluation of Centurion Electronics Services's proposal and the eventual award to that firm under request for proposals (RFP) No. DAAJ04-93-0026, issued by the Department of the Army, Army Material Command, for the acquisition of automatic data processing equipment and related software.

The protester, after attending a demonstration of Centurion's hardware, advised the agency on March 22, 1994, that Centurion's sound card was not configured to meet the performance specifications of the RFP. The protester asked whether the specifications had been amended to accept a sound card with a lower processing rating, like the awardee's. If not, the protester requested the agency to find the awardee's hardware "not in compliance," and warned that, "should [the agency] failed to act on this information, we will be forced to notify...any government agencies applicable."

On March 25, the agency notified the protester that the specifications had not changed and that a sound card at a lower processing rating was not acceptable. Notwithstanding this advise, the agency's letter went on to state that "all offerors were found to be in technical compliance with the specifications." According to EDP, "[t]he basis for this protest became known to EDP Technologies...upon EDP's receipt on March 25, 1994" of this letter, when the protester realized that the agency had not deemed the awardee's proposal technically unacceptable, notwithstanding the alleged sound card deficiency. However, EDP did not protest the agency's evaluation of Centurion's proposal until May 5, after award had been made.

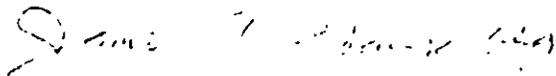
We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest.

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

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). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

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.--Request for 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.



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