



Comptroller General
of the United States

257298

Washington, D.C. 20548

Decision

Matter of: Integral Systems, Inc.

File: B-258112

Date: August 29, 1994

DECISION

Integral Systems, Inc. (ISI) protests the rejection of its proposal from the competitive range by the National Oceanic and Atmospheric Administration (NOAA) under solicitation No. 52-DDNE-3-00050. We dismiss the protest as untimely.

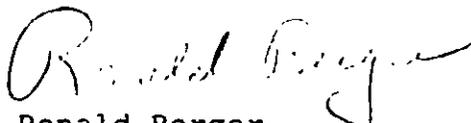
On May 19, 1994, ISI received a letter from NOAA advising that its proposal had been excluded from the competitive range because it "failed to meet several of the mandatory requirements." The letter further advised that ISI could request a debriefing, which would be provided after award. In response, ISI requested a debriefing before award, which NOAA declined to provide. On August 5, ISI was orally advised by NOAA that award had been made on July 29. This protest was then filed on that same date.

In its protest letter, ISI asserts that the exclusion of its proposal was arbitrary and capricious because its proposal, contrary to what NOAA had advised, met all mandatory requirements. This protest is untimely on its face. ISI obviously knew this basis of protest on May 19. Since our Bid Protest Regulations require protests such as this to be filed within 10 working days of when the basis for protest is known, 4 C.F.R. § 21.2(a)(2) (1994), the protest should have been filed here within 10 days of May 19.

ISI argues that it "did not know the basis for its disqualification" from the NOAA letter it received on May 19 and "without the debriefing, had no substantive basis at the time to file a protest." The point is, however, that ISI did protest before receiving the requested debriefing, and the stated basis for protest is what ISI learned on May 19. If ISI's point is that it cannot have a basis for protest

until it receives a debriefing, then the protest filed here on August 5 is premature. Either way, dismissal is appropriate. 4 C.F.R. § 21.3(m).

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "Ronald Berger".

Ronald Berger
Associate General Counsel