



Comptroller General
of the United States
Washington, D.C. 20543

Decision

Matter Of: Cheyenne, Inc.
File No.: B-260345
Date: February 22, 1995

DECISION

Cheyenne, Inc. protests the cancellation of solicitation No. BIA-M00-94-30 issued by the Department of the Interior, Bureau of Indian Affairs.

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. Cheyenne received notice of the cancellation on December 8, 1994. Our office did not receive the protest until February 6, 1995, more than 10 days after the basis was known.

Cheyenne asserts that it did not have a basis to protest at the time of cancellation because the agency allegedly assured Cheyenne that it would receive award under a new solicitation. Cheyenne further states that only when it learned that award under the new solicitation was made to another bidder did it have reason to protest the cancellation.

We disagree. Cheyenne bases its protest of the cancellation on the failure of the cancellation letter to identify a cogent and compelling reason for the cancellation. Thus, the propriety of the cancellation, according to the protest itself, does not depend upon how the agency allegedly said it would proceed under a new IFB. Therefore, timeliness must be measured from when Cheyenne learned of the cancellation, not from when it learned of the date of award.¹

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

¹Cheyenne's objection to the award is the subject of a separate protest.

should have known, of the basis for protest, whichever is earlier. 4 C.F.R.
§ 21.2(a)(2). Since the protest was filed more than 10 days after Cheyenne received
notice of the cancellation, the protest is untimely.

The protest is dismissed.


Ronald Berger
Associate General Counsel