



Comptroller General  
of the United States  
Washington, D.C. 20548

Becker  
153868

## Decision

**Matter of:** Laboratory Systems Services, Inc.

**File:** B-260332

**Date:** March 16, 1995

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### DECISION

Laboratory Systems Services, Inc. protests the award of a contract to Hewlett-Packard (HP) under solicitation No. D400880Q2 issued by the Environmental Protection Agency. Laboratory Systems argues that HP is not a responsible contractor.

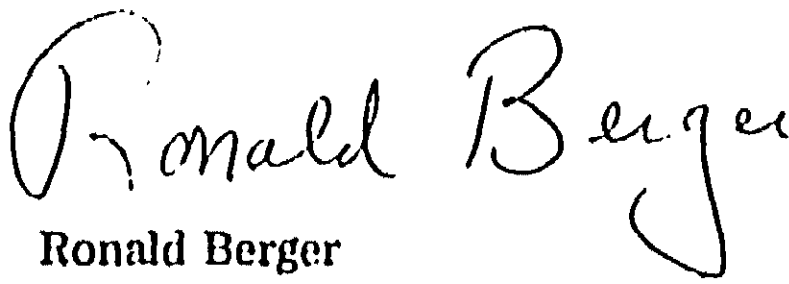
Laboratory Systems states that it received notice of award by letter dated September 23, 1994. Laboratory System states that it did not receive adequate information during its debriefing and therefore, by letter of November 9, filed a Freedom of Information Act (FOIA) request to which Laboratory Systems received a partial response on December 19, 1994. The agency later supplemented its response in January 1995, refusing to furnish any additional documents. The instant protest was filed on February 6, 1995.

We dismiss the protest. First, the protest does not set forth a valid basis for protest. Laboratory Systems states that it has "reason to believe that Hewlett-Packard was nonresponsive--particularly with respect to the pricing information it was to provide . . . ." It further states that "despite Hewlett-Packard's claim of submitting catalog or market pricing . . . the agency failed to adequately evaluate HP's price proposal . . . ." These statements are too general. They do not identify precisely why the HP proposal was "nonresponsive" with respect to pricing or how the agency's evaluation was faulty. A protest must be sufficiently detailed so that, upon initial review of the protest, it can be determined that the protester likely will prevail if the protest allegations are uncontradicted. See 4 C.F.R. § 21.1 (1995); Robert Wall Edge-Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335; Sector Technology, Inc., B-239420, June 7, 1990, 90-1 CPD ¶ 536. This protest does not meet that standard.

Second, the protest is untimely. Even assuming that the protester diligently pursue its FOIA request (a matter not clear from the protester's submission), it seems clear that the basis for protest--the alleged pricing deficiency in HP's proposal and the

~~agency's evaluation with respect thereto was known to the protester not later than~~  
when it received EPA's first response to its FOIA request on December 10. Our Bid  
Protest Regulations contain strict rules requiring that protests 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). The protest filed here on  
February 6 obviously does not meet that requirement.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger  
Associate General Counsel