

Mr. Hooper



Comptroller General
of the United States

Washington, D.C. 20548

Decision

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Matter of: Tabby Distributors, Inc.

File: B-261788

Date: July 13, 1995

DECISION

Tabby Distributors, Inc. protests the cancellation of request for proposals No. 284-95-0017, issued by the Department of Health & Human Services, Indian Health Service.

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.

Here, Tabby became aware of its basis for protest on May 31, 1995 when it received notice of the cancellation by telephone from the agency. Our Office did not receive the protest until June 23, more than 10 days later. Accordingly, the protest is untimely.

The protest is dismissed.

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Acting Associate General Counsel

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