



McAuliffe

Decision

Matter of: Intercomp Company
File: B-265638; B-265639
Date: August 30, 1995

DECISION

Intercomp Company protests the award of contracts to General Electrodynamics Corporation under request for proposals Nos. F41608-92-R-20110 and F4608-92-R-20215, issued by the Department of the Air Force for aircraft weighing systems.

We dismiss the protest as untimely because the protester failed to diligently pursue the information forming the basis for its protest. The subject contracts were awarded on May 27, 1993. The protester states that its protest is based upon information it received on July 24, 1995, in response to its January 4, 1995, Freedom of Information Act (FOIA) request to the Air Force.

Our Bid Protest Regulations contain strict timeliness requirements for filing protests, i.e., protests must be filed no later than 10 working days after the basis for protest is known or should have been known, whichever is earlier, and protests based on an alleged impropriety in the solicitation must be filed prior to bid opening or the time established for receipt of proposals. 4 C.F.R. § 21.2(a)(1)-(2); ACCESS for the Handicapped, 68 Comp. Gen. 432 (1989), 89-1 CPD ¶ 458. To ensure meeting these long-standing timeliness requirements, a protester has the affirmative obligation to diligently pursue the information that forms the basis for its protest. Horizon Trading Co., Inc.; Drexel Heritage Furnishings, Inc., B-231177; B-231177.2, July 26, 1988, 88-2 CPD ¶ 86.

These 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. Here, the protester waited until over 19 months after the awards to file its FOIA request and pursue information regarding its possible basis of protest. Also, the protester allowed more than 7 months to pass in pursuit of the FOIA information, once the request was filed. Where, as here, the protester has not diligently or expeditiously pursued

064644/155233

the information that forms the basis for its protest, we will not view the protest as timely filed. Illumination Control Sys., Inc., B-237196, Dec. 12, 1989, 89-2 CPD ¶ 546.

The protest is dismissed.



Michael R. Golden
Assistant General Counsel