



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: East Penn Manufacturing Company, Inc.

File: B-270694

Date: December 14, 1995

DECISION

East Penn Manufacturing Company, Inc. protests the issuance of a modification by the Defense Logistics Agency under contract No. SPO410-95-D-0002.

We dismiss the protest as untimely because it was filed more than 14 calendar days after the protester knew, or should have known, of the basis for its protest.

According to information provided by the agency, East Penn received a copy of the modification in October 1995. East Penn did not file its protest with our Office until December 7, more than 14 calendar days later. 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 14 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. Section 21.2(a)(2), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 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 14-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Our 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. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

The protest is dismissed.

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