

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

51073

FILE: B-184922

DATE: September 30, 1975

MATTER OF: Save Our Aerospace Program, Inc.

97393

DIGEST:

In order for protest against rejection of proposals on basis of information learned at August 5, 1975, debriefing afforded protester to be timely, it must be filed within 10 working days of date basis for protest is known. 4 C.F.R. § 20.2(b)(2). Protest filed September 16, 1975, is untimely and will not be considered on its merits.

Save Our Aerospace Program, Inc. (SOAP), protests the award of a contract to ILC Industries by the National Aeronautics and Space Administration (NASA) pursuant to request for proposals (RFP) 9-BC271-12-5-89P for a space suit service contract.

It appears from SOAP's protest letter that it received the RFP on June 13, 1975. On July 9, 1975, SOAP submitted its proposals. On August 1, 1975, NASA requested SOAP to attend a debriefing on August 5, 1975. At the August 5, 1975, debriefing, NASA informed SOAP of the reasons its proposal was unacceptable--lack of manufacturing capabilities, personnel qualification, lack of personnel certification to perform certain laboratory work, too high a concentration of personnel at upper corporate levels, lack of adequate facilities, and lack of financial ability to perform.

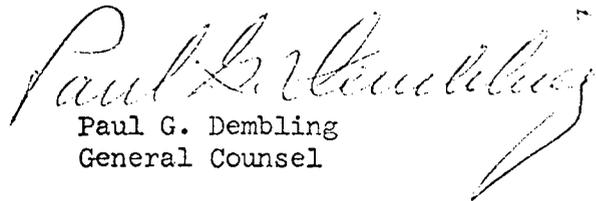
SOAP has submitted arguments to all of the foregoing reasons. SOAP further requests an independent evaluation of its proposal vis-a-vis ILC Industries to determine the better one. SOAP also notes that NASA informed SOAP at the August 5 debriefing that ILC Industries received a copy of the RFP a week earlier than SOAP. SOAP queries whether this afforded ILC Industries a competitive advantage and whether ILC Industries was afforded more opportunities to submit proposals than SOAP.

Under section 20.2(b)(2) of our Bid Protest Procedures (copy enclosed) protests not based upon improprieties apparent in the solicitation prior to the closing date for receipt of initial proposals are required to be submitted within 10 working days after

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the basis for protest is known or should have been known. In this case, the basis for the protest was known to SOAP after the August 5, 1975, debriefing from NASA. In order to be timely, any protest based upon information learned at that debriefing had to be filed with our Office within 10 working days. SOAP's protest was not received in our Office until September 16, 1975, or well past the required 10-day filing period.

Consequently, the protest is untimely and will not be considered on its merits.


Paul G. Dembling
General Counsel