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DECISION



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

FILE: B-192329

DATE: July 24, 1978

MATTER OF: Baytron Systems Corporation

DIGEST:

Protest filed more than 10 days after basis for protest is known is untimely under GAO Bid Protest Procedures and not for consideration.

Baytron Systems Corporation (Baytron) protests the actions of the United States Army in rejecting Baytron's unsolicited proposals for the overhaul of certain communications equipment and the award of two contracts for that work to another firm. Baytron believes its proposals offer the Army more for less cost than what the Army is currently purchasing. Baytron also believes the Army deliberately delayed considering its proposals so that award could be made to the other firm.

Baytron first submitted an unsolicited proposal to Ft. Huachuca, Arizona on September 23, 1977. Ft. Huachuca referred the proposal to the United States Army Communications Systems Agency, Ft. Monmouth, New Jersey (Ft. Monmouth) by letter of November 11, 1977. On January 18, 1978, Baytron forwarded two copies of its unsolicited proposal to the Sacramento Army Dept., allegedly upon the request of Ft. Monmouth. By letter of January 20, 1978, Sacramento advised Baytron that its proposal was for consideration by Ft. Monmouth and returned the proposals to Baytron, which then sent one copy of the proposal to Ft. Monmouth. Finally, by letter of April 28, 1978, Ft. Monmouth advised Baytron that it was not feasible at that time for the Army to consider any firm other than the incumbent for the work, but that efforts would be made "to have future requirements procured on a competitive basis."

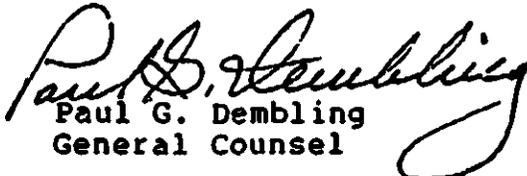
Our Bid Protest Procedures require that protests be filed, either with the contracting officer or with this Office, not later than 10 working days after the basis for protest is known. 4 C.F.R. § 20.2 (1977). Baytron became aware of the basis of its protest upon its receipt

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of the Army's final correspondence on May 1, 1978. Baytron's protest, however, was not filed until July 5. Therefore, the protest is untimely and not for consideration. Data Precision Corporation, B-185209, November 17, 1975, 75-2 CPD 318.

We point out, however, that in considering unsolicited proposals, procuring activities have wide discretion in determining whether such proposals would meet their actual needs. Motorola Communications International, Inc. B-173415, December 28, 1971. From the documents furnished by the protester, it appears that the Army's position in this case is a reasonable one.

The protest is dismissed.


Paul G. Dembling
General Counsel