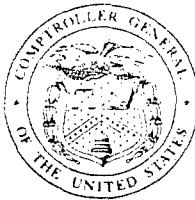


DECISION



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

9863

FILE: B-193981

DATE: April 19, 1979

MATTER OF:

Jet Electronics and Technology, Inc.

[Protest of Sole Source Award]

DLG 00070

DIGEST:

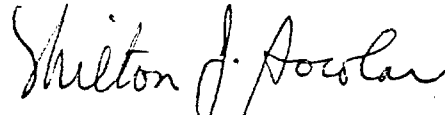
Protest against sole source award is untimely under 4 C.F.R. § 20.2(b)(2) (1978), when filed 22 working days after Commerce Business Daily publication of synopsis that the procurement was in the process of being awarded to a particular firm.

ABCD0035
CNG-01465 → Jet Electronics and Technology, Inc. (JET) protests the Army's sole source award of a delivery order to Lear Siegler, Inc. (Lear Siegler) for 348 gyroscopes, under Basic Ordering Agreement F34601-76-A-0038. JET believes that the Army should have met its requirement through a competitive procurement in which JET could have participated as it has produced the required gyroscopes for the past five years. JET asserts that the Army is aware of its capabilities and interest in such procurements.

Our Bid Protest Procedures require that protests (other than those based upon alleged improprieties apparent in a solicitation) be filed within 10 days after the basis for protest was known or should have been known, whichever is earlier. 4 C.F.R. 20.2(b)(1) (1978). On December 19, 1978 the Army published a "Commerce Business Daily" (CBD) synopsis regarding the proposed award to Lear Siegler. JET's protest was filed on January 22, 1969, 22 working days after the CBD publication. Protesters are charged with constructive knowledge of the contents of such CBD announcements. The Bureau of National Affairs, Inc., B-189962, September 20, 1977, 77-2 CPD 206. Thus, while the record is silent with respect to whether JETS had actual knowledge of the CBD synopsis, JET had constructive knowledge of the basis for its protest, the Army's proposed sole

005003

source award to Lear Siegler. We believe a protest filed 22 working days after CBD publication of the notice of the agency's intent to make an award to Lear Siegler is untimely and not for consideration on the merits. See Delphi Industries, Inc., B-193087, January 30, 1979, 79-1 CPD 67.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel