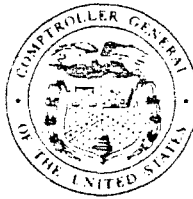


DECISION



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

PL-1

10,589

FILE: B-194464

DATE: June 27, 1979

MATTER OF: Bowne Information Systems

*[Protest of Contract Award Based on Allegation of
Procedural Errors in Selection Process]*
DIGEST:

Since protest based on content of conversations between procuring agency employee and protester was not filed within 10 days of last conversation, protest is untimely filed under § 20.2(b)(2) of GAO's Bid Protest Procedures and will not be considered. Additional ground of protest concerning adequacy of benchmark test specifications is also untimely filed under same section of Bid Protest Procedures since protest was filed months after benchmark testing had been completed.

On March 27, 1979, we received a protest from Bowne Information Systems (Bowne) concerning the selection of Proprietary Computing System (PCS) by the Department of State for word processing services.

Bowne's protest is based on alleged "procedural errors" made during the selection which included evaluation of "benchmark" tests and cost reports of Bowne and PCS. Both companies, the Department reports, qualified for the work under "GSA's Teleprocessing Services Program." The grounds of protest may be summarized, as follows:

(1) Phone conversations between a Bowne representative and a Department employee who participated in the selection revealed that:

(a) the employee lacked understanding of the the technical requirements involved;

(b) technical and cost evaluations were being conducted simultaneously, clearly an improper procedure;

*Initials Bid-protests
Data processing
seems correct
procurement
contract award
not*

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(c) costs for keyboard services were being improperly obtained and evaluated.

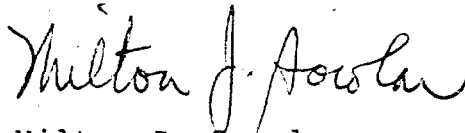
(2) The selection was improper because of deficiencies in the "technical specifications or benchmark."

Analysis

(1) The Department reports that the conversations described under this ground of protest probably took place between December 18, 1978, and January 10, 1979. It is our informal understanding that Bowne does not dispute the approximate accuracy of these dates. Bowne was obliged to protest the alleged improprieties discussed under this paragraph within 10 working days of January 10, 1979. See § 20.2(b)(2) of GAO's Bid Protest Procedures, 4 C.F.R. part 20 (1979). Since the company's protest under this paragraph was not filed until March 27, it is untimely filed.

(2) It is clear from the record that the benchmark testing involved had been completed prior to the Bowne-State conversations described under paragraph (1), above. Nevertheless, Bowne did not protest about the benchmark specifications until late March of this year. Under these facts, this ground of Bowne's protest is also untimely filed under GAO's Bid Protest Procedures, supra.

Protest dismissed.



Milton J. Socolar
General Counsel