

13240 PL. I

DECISION



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

FILE: B-198071

DATE: March 26, 1980

MATTER OF: *g* Mr. Henry R. Stevenson

DIGEST:

1. Protest against cancellation of request for proposals (RFP) is untimely where filed more than 10 working days after protester knew of basis of protest.
2. Claim for proposal preparation costs based on alleged improper cancellation of RFP will not be considered where protester files untimely protest of cancellation since to do so would allow protester to circumvent GAO requirement that protests be timely filed.

Mr. Henry R. Stevenson protests the Army's cancellation of request for proposals (RFP) No. DAAD07-80-R-0005 for mechanical maintenance services at White Sands Missile Range, White Sands, New Mexico. *AGC 00706*  
Mr. Stevenson has also requested reimbursement of his proposal preparation costs.

Although Mr. Stevenson was notified of the cancellation on February 25, 1980, a notice of protest was not filed with our Office until March 11, 1980. Since Mr. Stevenson's protest was filed more than 10 working days after the basis of protest was known, it is untimely under our Bid Protest Procedures which require protests of this nature to be filed within 10 working days after the basis of protest is or should have been known. See 4 C.F.R. § 20.2(b)(2) (1979); Security Assistance Forces and Equipment OHG, B-193403, B-193411, B-193418, August 14, 1979, 79-2 CPD 119. Accordingly, we will neither consider the merits of Mr. Stevenson's protest against the cancellation of the RFP nor his claim for proposal preparation costs, since to do so would circumvent the timeliness requirements of our Bid Protest Procedures. Security Assistance Forces and Equipment OHG, supra.

[Protest Against RFP Cancellation] 111910  
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We note, however, that to the extent that an Army decision not to fund the project is the reason underlying the cancellation, such decisions are not subject to legal question by our Office. Somers Construction Company, Inc.--Reconsideration, B-193929, July 24, 1979, 79-2 CPD 54.

Accordingly, the protest is dismissed and the claim for proposal preparation costs is not for consideration.

*Harry R. Van Cleave*

*for* Milton J. Socolar  
General Counsel