

**DECISION**



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

13364

PLCG  
Mr. Donahue

*[Protest of Army Contract Award]*

FILE: B-197346.3

DATE: April 7, 1980

MATTER OF: Bowmar/ALI, Inc. ✓

**DIGEST:**

Protest filed with GAO more than 10 working days after protester had knowledge of basis of protest is untimely and will not be considered on merits.

Bowmar/ALI, Inc. (Bowmar) protests the award of any contract under solicitation No. DAAB07-79-R-0603 issued by the Department of the Army (Army) for the procurement of a Low Speed Time Delay Multiplexer (LSTDM), a data communications system. Bowmar contends that the Army conducted the procurement in a capricious, arbitrary and unprofessional manner.

The solicitation was conducted pursuant to two-step formal advertising procedures, Defense Acquisition Regulation, Section II, Part 5 (1976 ed). Bowmar's specific complaints are directed to the conduct and technical evaluation of the equipment demonstration required under the first step Request for Technical Proposals (RFTP). Bowmar directed numerous letters to the contracting officer during the course of the Army's evaluation of the responses to the RFTP and the equipment demonstrations.

On December 19, 1979, the contracting officer sent two letters to Bowmar; one letter replied to the issues raised in Bowmar's previous correspondence, and the other rejected Bowmar's proposal. On December 21, 1979, Bowmar acknowledged receipt of the December 19 letter and advised that it had "no intention of letting this matter drop and will pursue all remedies available to us in order to resolve \* \* \* an unfair, arbitrary, capricious and technically unsupportable position on the part of \* \* \* the Army." This protest was filed on March 12, 1980.

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As stated in our Bid Protest Procedures, a protest to our Office must be received not later than 10 days after the basis for the protest is known. 4 C.F.R. §20.2(b)(2) (1979).

It is clear that Bowmar knew of its basis for protest by December 21, 1979, at the latest, yet it did not file its protest with our Office until March 12, 1980, or well beyond the 10-day limitation specified in our procedures. Under this circumstance, the protest is untimely and will not be considered on the merits. See Lanier Business Products Inc., B-193516, June 8, 1979, 79-1 CPD 407.

The protest is dismissed.

*Harry R. Van Clave*  
for Milton J. Socolar  
General Counsel