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DECISION



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

FILE: B-202397

DATE: August 12, 1981

MATTER OF: Entron, Inc.

DIGEST:

Protest is dismissed as untimely where protester waits more than month after receipt of notice of award to request information that forms basis for protest.

Entron, Inc., protests the award of a contract to West Electronics, Inc., for power supply items No. PP 2401 D/A under request for proposals (RFP) No. FD2060-81-95025, issued by the Department of the Air Force, contending that West failed to meet the RFP definitive requirement that offerors be qualified as a result of either previously supplying the items to the Government or specifying that the items would be furnished by firms which have previously supplied the items to the Government.

We find Entron's protest untimely and not for consideration on the merits.

The Air Force issued the RFP on November 18, 1980, received proposals from Entron and West by the December 3 closing date, and awarded the contract to West on December 11, 1980. Notice of the award was sent to Entron on the day the contract was awarded and was received by the protester on December 29, 1980.

By letter to the Air Force of February 6, 1981, Entron asserted that it was the only firm which had previously supplied the power supply items to the Government and was qualified for the award. Entron asked to be furnished the basis upon which award was made to West. The Air Force responded by letter of February 25, 1981, stating that after award of the fiscal year 1980 contract for these items to Entron, West sought to qualify its power supply, furnished samples to the Air Force and completed qualification testing in October 1980. The Air Force further advised

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that West submitted the lowest priced offer in response to the instant RFP. Entron received the Air Force's reply on March 2, 1981, and filed its protest with our Office on March 6, 1981.

Our Bid Protest Procedures require that bid protests must be filed not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1981). Entron filed its protest with our Office within 10 days of receipt of the information requested from the Air Force. However, Entron did not diligently pursue the information which formed the basis of the protest. We have stated that in no case may a potential protester sit idly by and decide later to seek information that could have been obtained earlier and then expect to file a protest based on that information. Policy Research Incorporated, B-200386, March 5, 1981, 81-1 CPD 172. We have held that a protester's failure to diligently pursue a matter by seeking within a reasonable time the information which reveals the basis for protest requires a rejection of the protest as untimely. Fowler's Refrigeration and Appliance, Inc., B-201389, March 25, 1981, 81-1 CPD 223; Policy Research Incorporated, supra. As indicated above, Entron received notice of the award to West on December 29, 1980. Instead of initiating at that time a request for information as to the basis for the award to West, Entron waited until February 6, 1981, more than a month afterward. The time taken to initiate a request for information as to the basis for the award to West was unreasonable.

Accordingly, the protest is dismissed.

J.H. Barclay Jr.
For Harry R. Van Cleve
Acting General Counsel