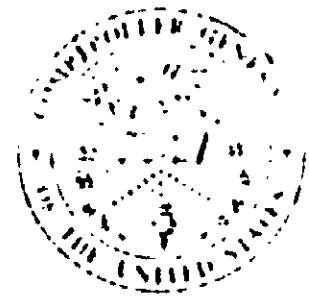


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DECISION



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

118250

FILE: B-207145

DATE: April 28, 1982

MATTER OF: C-Tech, Inc.

DIGEST:

Protest filed more than 10 days after debriefing in which basis of protest became known to protester is untimely under 4 C.F.R. § 21.2(b)(2).

C-Tech, Inc. (C-Tech) protests the rejection of its proposal which was submitted in response to request for proposals (RFP) No. N00024-81-R-6269 issued by the Department of the Navy, Naval Sea Systems Command (NAVSEA).

On February 4, 1982, C-Tech was informed that its proposal was unacceptable because the design it proposed did not meet the requirements of the RFP's critical item product specification. Thereafter, C-Tech requested a debriefing, which was held on March 29, 1982. For the reasons that follow, the protest is dismissed as untimely.

Our Bid Protest Procedures provide that a bid protest, to be timely, must be filed in this Office not later than 10 days after the basis for the protest is known. 4 C.F.R. § 21.2 (b)(2) (1981). We have held that a protester reasonably could withhold filing a protest to our Office until it had a debriefing conference revealing specific reasons why an award was made to another firm. Lambda Corporation, 54 Comp. Gen. 468 (1974), 74-2 CPD 312.

Here, C-Tech concedes that the basis for NAVSEA's rejection of its proposal was discussed at the debriefing conference on March 29. Since its protest was not filed in this Office until April 16, 1982 --more than 10 days after the debriefing conference --C-Tech's protest is untimely.

We note that C-Tech has stated that it has recently received a summary of NAVSEA's discussion of the technical analysis of C-Tech's proposal. Therefore, it requests that we allow it 10 days from the date of its receipt of the summary, to reply to it. The request must be denied. Our Bid Protest Procedures provide ample opportunity for a protester to respond to the agency's position. However, as an initial matter the protest must be timely filed. C-Tech has not met this initial burden. Although it argues that the summary contains a discussion of the basis for NAVSEA's rejection of its proposal, C-Tech had knowledge of the reasons for the rejection as of the debriefing conference. It should have filed its protest within 10 days after it received such knowledge.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel