

**DECISION**



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

25053

**FILE:** B-211579

**DATE:** May 6, 1983

**MATTER OF:** American Electronic Laboratories, Inc.

**DIGEST:**

Protest that an agency improperly requested revised proposals must be filed before the closing date for their receipt.

American Electronic Laboratories, Inc. (AEL) protests the Department of the Navy's award of a contract to Edmac Corporation under solicitation No. N00383-83-R-0717 for radio equipment. AEL states that the Navy, by requesting a series of revised proposals, unnecessarily "unduly lengthened" the time between initial submission and award and thereby "increased the means and time to allow compromise of AEL's prices." We dismiss the protest as untimely.

Initial proposals were due on January 1, 1983. The Navy issued several requests for revised proposals, and best and final offers were due on March 17. AEL responded to all of the requests within the required time limits. AEL was advised of the award to Edmac Corporation by letter of March 24. We received AEL's protest on April 22.

~~Under section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. part 21 (1983), a protest that an agency improperly requested revised proposals must be filed before the closing date for their receipt. See PSI Associates, Inc., B-200839, May 19, 1981, 81-1 CPD 382. Since AEL did not complain until after the award, the protest is untimely and will not be considered on the merits.~~

Even if we assume that the basis for AEL's protest arose only when the firm received the Navy's March 24 letter advising of the award, section 21.2(b)(2) of our Procedures, which applies to all protests not covered by section 21.2(b)(1), requires that protests be filed not later than 10 working days after the basis for protest

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is known. Since it is reasonable to assume that AEL received the letter within 1 week, see Travel Corporation of America, B-209368, November 22, 1982, 82-2 CPD 467, the protest, filed on April 22, still is untimely.

The protest is dismissed.

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