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DECISION



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

FILE: B-210941.3

DATE: May 6, 1983

MATTER OF: Koomey, Inc.

DIGEST:

Where an agency informs a protester that its proposal is outside the competitive range and provides a specific list of reasons for such determination, a protest against that determination must be filed within 10 working days from the date the protester is so informed. The protester is not entitled to wait for a debriefing since the basis of protest is already known to it.

Koomey, Inc. protests the elimination of its proposal from the competitive range by the Department of the Army under request for proposals (RFP) No. DAAK70-82-R-1233 for the design, fabrication and testing of Reverse Osmosis Water Purification Units. We dismiss the protest.

Koomey indicates that it received a letter from the Army dated February 16, 1983 which stated that its proposal had been determined to be outside the competitive range. The letter set forth three reasons for this determination. Koomey contends that these three reasons are erroneous and therefore invalid.

Our Bid Protest Procedures require that protests such as this be filed within 10 working days from the time the basis of protest is known or should have been known, whichever is earlier. 4-C.F.R. § 21.2(b)(2) (1983). Koomey did not file its protest here until April 15, 1983, nearly 2 months after the date of the letter on which it bases its protest.

Koomey asks that we excuse its delay since its decision to protest was being held in abeyance pending a response to its request of March 11, 1983 for a debriefing from the Army. Koomey states that it has received no response to this request.

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Although we believe that a protester may reasonably delay filing a protest until it has had a debriefing to learn why its proposal was rejected, where a protester has been sufficiently informed of a basis for protest prior to any debriefing, we will not permit a delay in filing the protest pending the debriefing. Informatics, Inc., B-185564, April 18, 1977, 77-1 CPD 272. Thus, where as here, an offeror is notified of the unacceptability of its proposal and the reasons for that determination, it must file a protest against the determination within 10 working days of such notice, and may not wait for a subsequent meeting with contracting officials. See Jarrell-Ash Division, Fisher Scientific Company--Request for Reconsideration, B-209236.2, December 21, 1982, 82-2 CPD 562.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel