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**DECISION**



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

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**FILE:** B-214142 **DATE:** March 12, 1984

**MATTER OF:** The Bendix Corporation

**DIGEST:**

A protest not received in the General Accounting Office within 10 working days after the protester was notified orally of the basis for the protest is untimely and will not be considered. Protester may not delay filing protest until receipt of written notification which merely reiterated prior oral advice.

The Bendix Corporation (Bendix) protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. DAAA22-83-B-0143 issued by the United States Army Watervliet Arsenal, Watervliet, New York, for coordinate measuring machines.

We dismiss the protest.

The closing date for receipt of bids was November 30, 1983. The record indicates that on December 12, 1983, the agency notified Bendix orally that its bid had been found to be nonresponsive and of the reasons for that determination. On January 9, 1984, in response to Bendix's January 5, 1984, request, the contracting officer sent a letter to Bendix reiterating the reasons for the determination of nonresponsiveness.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), provide that a protest, in order to be considered, must be received in our Office not later than 10 working days after the basis for protest is known, or should have been known, whichever is earlier.

We have recognized that oral notification of the basis for protest is sufficient to start the 10-day period running and that a protester may not delay filing its protest until receipt of the written notification which merely reiterates the basis for protest. A-Rentals, Inc., B-211326.2, May 31, 1983, 83-1 CPD 580.

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Since Bendix's protest was not received in our Office until January 17, 1984, clearly more than 10 days after the December 12, 1983, oral notification, the protest is untimely and must be dismissed.

Because the propriety of dismissal became clear after the agency provided us with a copy of a record of the December 12, 1983, conversation with Bendix and a copy of the January 9, 1984, letter reiterating the reasons for the determination of nonresponsiveness, we are dismissing the protest without developing the record further. See Bid Protest Procedures § 21.3(g), added by 48 Fed. Reg. 1932 (1983).

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