

DECISION



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

29081

FILE: B-215657

DATE: August 14, 1984

MATTER OF: Electro-Tech, Inc.

DIGEST:

A protest not received in the General Accounting Office within 10 working days after the protester was orally advised of the basis for the protest is untimely and will not be considered.

Electro-Tech, Inc. (Electro-Tech), protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. DAAB07-84-B-B101 issued by the United States Department of the Army.

We dismiss the protest.

The record indicates that on June 12, 1984, Electro-Tech contacted the contracting agency and was orally notified that its bid had been found nonresponsive and of the reasons for that determination. Electro-Tech's protest was received in our Office on June 29, 1984.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1984), 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. The Bendix Corporation, B-214142, Mar. 12, 1984, 84-1 C.P.D. ¶ 285.

Since Electro-Tech's protest was not received in our Office within 10 days after the oral notification, the protest is untimely and will not be considered.

Because the propriety of dismissal became clear only after Electro-Tech provided us with a copy of a record of the June 12, 1984, conversation with the contracting agency, we are dismissing the protest without developing the record further. See Bid Protest Procedures § 21.3(g).

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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