

**DECISION**



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

**FILE:** B-216827

**DATE:** October 24, 1984

**MATTER OF:** Estabrook Engineering Inc.

**DIGEST:**

Protest not received in our Office within 10 working days after protester knew or should have known the basis of its protest is untimely and will not be considered.

Estabrook Engineering Inc. (Estabrook) protests the rejection of its bid under invitation for bids (IFB) No. DAAH01-84-B-A115 issued by the Department of the Army. By letter dated July 20, 1984, the Army informed Estabrook that its bid was nonresponsive for failure to acknowledge an amendment to the solicitation. Subsequently, Estabrook corresponded with the Army. By letter dated August 1, 1984, the Army again advised Estabrook that its bid was rejected as nonresponsive. While there was further correspondence with the Army and a congressman, Estabrook's protest was not received in our Office until October 15.

Section 21.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1984), provides that a protest must be filed within 10 working days after the basis for the protest is known or should have been known. Since the protest was received in our Office more than 10 working days after Estabrook received notice that its bid was nonresponsive, it is untimely and will not be considered.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
General Counsel

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