

DECISION

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

FILE: B-216928

DATE: November 5, 1984

MATTER OF: Edward H. Brumfield

DIGEST:

Protest against award of contract is untimely when filed more than 10 working days (plus reasonable delivery time) after agency sent notice to protester of award to another firm.

Edward H. Brumfield protests the award of a contract to ACKCO, Inc. (AI), under request for proposals No. DE-RP04-84AL26489, issued by the Department of Energy (DOE).

DOE advised Mr. Brumfield by letter dated September 26, 1984, that award was being made to AI. Mr. Brumfield's protest was received at our Office on October 23, 1984.

Our Bid Protest Procedures require protesters to file their protest not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1984). Allowing a reasonable time (1 week) for delivery of DOE's letter advising Mr. Brumfield about the award to AI, Mr. Brumfield's protest is untimely because it was filed (received) at our Office more than 10 working days after he should have known of the basis of protest. See Power Lift/Aero Industries, B-214053, Jan. 23, 1984, 84-1 C.P.D. ¶ 106.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel

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