

DECISION

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

Ms. Melody
29835

FILE: B-217100**DATE:** November 26, 1984**MATTER OF:** White Business Machines**DIGEST:**

Protest that awardee is unable to provide a typewriter currently in production, as required by solicitation, is untimely where filed more than 10 days after protester became aware of specific model to be provided by awardee.

White Business Machines protests the award of a contract for typewriters to Swintec Corporation under solicitation No. FGE-D1-75313-A, issued by the General Services Administration. White alleges that award should not have been made to Swintec because Swintec's offer was not for a model typewriter currently in production as required by the solicitation. We dismiss the protest as untimely.

Our Bid Protest Procedures require that protests be filed not more than 10 days after the basis for protest is or should have been known. 4 C.F.R. § 21.2(b) (2) (1984). Here, White was told that on October 25 award had been made, and notified of the model typewriter Swintec would provide. Thus, as of that date, White was or should have been aware of the basis for its contention that Swintec would not provide a model currently in production. White's protest, however, was not filed with this Office until November 13, more than 10 days later. As a result, the protest is untimely.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

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