

DECISION



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

31934

FILE:

B-219810

DATE: August 12, 1985

MATTER OF:

Memorex Media Products Group

DIGEST:

1. Protest issue is dismissed as untimely when not raised in a protest to GAO within 10 days after basis for it is known or should have been known.
2. Protest which fails to adequately state the legal and factual grounds for protest is dismissed.

Memorex Media Products Group (Memorex) protests the Air Force's award of a brand name or equal negotiated procurement to Magnetic Media, Inc. (MMI), under request for proposals (RFP) No. F41800-85-R-0055 issued by the San Antonio Contracting Center, San Antonio, Texas.

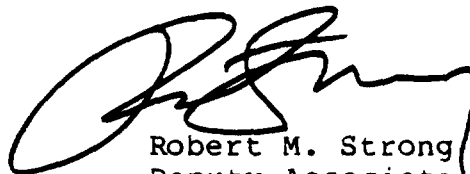
Memorex was the brand name magnetic tape identified in the RFP. Memorex contends: (1) that the Air Force has not justified rejection of its product; (2) that MMI's product does not meet the "minimum specifications" of the RFP; and (3) that the allegedly low quality MMI product will in the long run cost the Air Force more [in the form of wasted system time, lost data, lost data replacement, equipment wear, and maintenance] than purchase of Memorex's better quality, but higher priced product.

We dismiss the protest.

Memorex's first contention is untimely. It is argued that the Air Force improperly rejected Memorex's brand name product. Memorex states that it learned of the rejection of its product on June 10, 1985. Our Bid Protest Regulations require protests to be filed within 10 working days after the protester knew or should have known the basis for the protest. 4 C.F.R. § 21.2(a)(2) (1985). Memorex first raised this issue in its protest to our Office, filed on August 6, 1985, more than 8 weeks after Memorex learned of the rejection of its product. Uniserv Inc., et al., B-218196, B-218196.3, June 19, 1985, 85-1 CPD ¶ 699.

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Memorex's second contention is that MMI's product does not meet the "minimum specifications" of section "C" of the RFP. Memorex does not provide a detailed statement of how MMI's fails to meet section "C." Memorex's third contention generally alleges that it would have been in the best interests of the government to weight quality higher than price in evaluating proposals because such a weighting would reduce the ultimate cost to the government. However, there is no indication that the RFP provided for an award on any basis other than price. Our Bid Protest Regulations require that a protest contain a detailed statement of the legal and factual grounds for protest and copies of any relevant documents. 4 C.F.R. § 21.1(c)(4) (1985). In our view, both contentions are insufficient to constitute a detailed statement of legal and factual grounds for protest. United Telecontrol Electronics, Inc., B-219024, July 1, 1985, 85-2 CPD ¶ ____.



Robert M. Strong
Deputy Associate
General Counsel