



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: King-Fisher Company
File: B-223590.2
Date: August 28, 1986

DIGEST

Protest against sole-source procurement, filed more than 10 working days after protester learned of basis for protest, is untimely and therefore will not be considered.

DECISION

King-Fisher Company protests a sole-source award under request for proposals (RFP) No. F39601-86-R-0036, issued by the Department of the Air Force for the acquisition and installation of a fire alarm receiver and related equipment manufactured by Motorola, Inc. The Air Force justified procurement by other than open competition through a compatibility requirement with existing Motorola equipment. King-Fisher contends that the sole-source is unjustified.

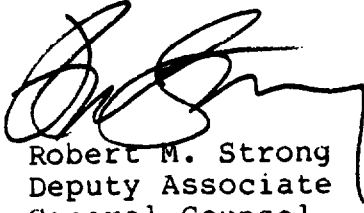
The record shows that King-Fisher learned of this procurement through an announcement in the Commerce Business Daily dated May 24, 1986, and was advised of the basis for the Air Force's determination to procure by other than open competition in a letter dated June 4, which also declined to provide King-Fisher with a copy of the RFP. On July 9, King-Fisher filed a protest with our Office objecting to the sole-source nature of this procurement. We dismissed King-Fisher's protest because it was not filed within 10 working days of when King-Fisher learned of the basis for its protest, as required under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1986).

Although King-Fisher's current protest, filed on Aug. 22, is accompanied by a copy of the RFP, and it is not clear when King-Fisher may have received it, the gravamen of King-Fisher's complaint still is that this is a sole-source procurement. King-Fisher knew this, and the basis for the Air Force's determination to procure by other than open competition, no later than the date the firm received the Air

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Force's letter of June 4. Consequently, King-Fisher's protest, untimely when it was first filed on July 9, still is untimely.

The protest is dismissed.



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