

Kuppert



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: World-Wide Security Service, Inc.

File: B-225270

Date: December 15, 1986

DIGEST

Where agency advises a protester that its proposal is unacceptable and that it has made an award to another firm, and the record reveals no request for a debriefing, agency-level protest, or other action that would toll the General Accounting Office's requirement for protesting within 10 working days of when the basis for protest is known, a protest filed more than 6 weeks after the date of the rejection letter is untimely.

DECISION

World-Wide Security Service, Inc. protests the award of a contract to American Science and Engineering, Inc. under request for proposals (RFP) No. CS-86-051, issued by the Department of the Treasury's Customs Service. The solicitation is for mobile X-ray inspection systems. The protester contends that although it submitted the lowest price proposal, the agency conducted a subjective technical evaluation and found its proposal unacceptable.

We dismiss the protest as untimely.

Customs Service issued the RFP on July 18, 1986, with offers due on August 20. By letter dated October 1, the agency informed the protester that its proposal did not adequately meet the needs of the government and that the contract was being awarded to American Science and Engineering, Inc. World-Wide, however, first protested this determination by letter dated November 17 that we received on November 24.

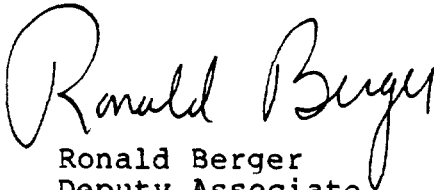
Under our Bid Protest Regulations, we consider a protest untimely unless we receive it within 10 working days after the basis of protest was or should have been known. 4 C.F.R. § 21.2(a)(2) (1986). World-Wide either knew the basis for the protest when it received the agency's October 1 letter or should, at that time, have diligently sought the information that provided the basis for the protest.

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In appropriate circumstances, protesters may delay filing until after a debriefing. See, e.g., Tandem Computers, Inc., B-221333, Apr. 14, 1986, 65 Comp. Gen. _____, 86-1 CPD ¶ 362 (protest based on information regarding awardee's proposal, first revealed at debriefing, is timely when filed within 10 working days thereafter); Intelcom Educational Services, Inc., B-220192.2, Jan. 24, 1986, 86-1 CPD ¶ 83 (protest regarding evaluation of cost proposal, which protester first learned of at debriefing, is timely when filed within 10 working days thereafter). Protesters are, however, required to pursue diligently the information on which their protests are based. This includes diligently pursuing a debriefing, so that they may determine whether they in fact have a basis for protest, and if so, what it is. Id.

The record does not reveal that World-Wide requested a debriefing, protested to the agency, or took any other action that would toll our 10-day requirement. Thus, World-Wide's protest to our Office on November 24 is untimely, since it was filed more than 6 weeks after the date of the rejection letter.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel