



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: MedSource, Inc.  
File: B-225635  
Date: January 27, 1987

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### DIGEST

A letter to the contracting officer protesting the award of contract that does not specify any basis for protest is not sufficient to constitute a protest to the agency; therefore a protest subsequently filed with the General Accounting Office more than 10 days after the basis for protest was known is dismissed as untimely.

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### DECISION

MedSource, Inc. protests the rejection of its proposal under request for proposals (RFP) No. 14-01-0001-87-R-02, issued by the Department of the Interior. We dismiss the protest as untimely.

MedSource alleges that it delivered to the agency a timely best and final offer under the RFP on December 18, 1986. The protester alleges further that the agency informed the protester delivering the offer that MedSource was no longer in the competitive range. Based on this, MedSource contends that the agency's award determination appears improperly to have been made prior to consideration of the best and final offers.

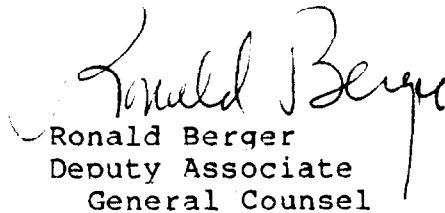
The protester characterizes its protest to this Office as a "follow-up" to a protest filed with the agency by letter dated December 18. (We received an information copy of its agency protest on December 22.) MedSource has attached to its protest to this Office a copy of the agency's letter of January 13, 1987, denying its agency protest for failure to state a basis for protest.

Our Bid Protest Regulations provide that a protest based on other than a solicitation impropriety must be filed not later than 10 days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1986). If a protest has been filed initially with the contracting agency, any

subsequent protest to this Office filed within 10 working days of when the protester learns of initial adverse agency action on the agency-level protest will be considered, provided the initial protest to the agency was timely. 4 C.F.R. § 21.2(a)(3).

MedSource filed its protest with this Office on January 14, more than 10 working days after it knew of its basis of protest on December 18, 1986. Therefore, the protest here can be considered timely only if MedSource initially filed a timely protest with the agency. In this regard, however, the protester's letter of December 18 to the contracting officer stated that MedSource was protesting the award of a contract under the RFP, but did not specify any basis for protest. This letter was not sufficient to constitute a protest. See Pacific Fabrication--Request for Reconsideration, B-224065, Sept. 9, 1986, 86-2 CPD ¶ 277. Therefore, we are of the view that no timely protest was filed with the agency and consequently, we consider the protest filed here as untimely.

The protest is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel