

Jackson



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Technology for Advancement, Inc.

File: B-231058

Date: May 12, 1988

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### DIGEST

Protest filed more than 10 working days after protester knew or should have known of the basis for the protest is untimely and not for consideration.

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### DECISION

Technology for Advancement, Inc. (TAI), protests the award of a contract to Unisys Corporation under request for proposals (RFP) No. N00140-88-R-RF12 issued by the Department of the Navy for the acquisition of System Software Packages for Burroughs "A" Series Mainframe.

TAI and Unisys Corporation submitted the only offers in response to the RFP. The Navy has advised us that it sent a notice by telefax to TAI advising it of the award to Unisys Corporation on March 18, 1988, and then mailed the notice to TAI on March 21 (letter dated March 18). TAI filed a protest with our Office on April 18.

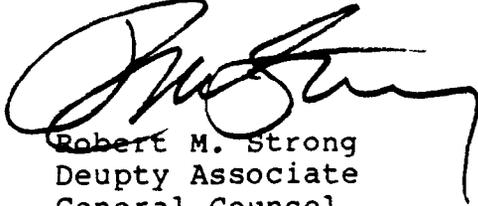
Our Bid Protest Regulations require that all protests, except those based on alleged improprieties in a solicitation, be filed not later than 10 days after the basis of the protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1988).

The award of the contract to Unisys forms the basis of TAI's protest. TAI knew of or should have known of the basis of protest on March 18 when the Navy telefaxed the notice of award.

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In any event, TAI also had notice of the award when it received the letter mailed on March 21. In the absence of evidence to the contrary we assume that mail is received within 1 calendar week from the date it was sent. See Carr-Gottstein Properties, B-227750, Aug. 5, 1987, 87-2 CPD ¶ 131. This would have given TAI notice 15 working days before it filed its protest. TAI's protest is therefore untimely.

The protest is dismissed.



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General Counsel