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**The Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

**Matter of:** The Ryan Company

**File:** B-234121.2

**Date:** February 14, 1989

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**DIGEST**

Protest filed more than 10 working days after protester learns of basis for protest is untimely and will not be considered.

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**DECISION**

The Ryan Company protests the award of a contract to any other bidder under invitation for bids (IFB) No. N62477-88-C-1026, issued by the Navy for the repair of the electrical distribution system at the Marine Corps Development Combat Command in Quantico, Virginia. Ryan asserts that it is the low qualified bidder under the IFB.

We dismiss the protest as untimely.

Apparently, Ryan requested, under the mistake in bid procedures, that it be allowed to increase its bid under this IFB after bids had been submitted. The Navy refused this request by letter to Ryan dated December 12, 1988 (received by Ryan on December 15) but informed Ryan that it would be allowed to withdraw its bid. Ryan then filed a protest with our Office on January 12, 1989, claiming that it was the low qualified bidder and that the Navy improperly denied it permission to revise its bid. We summarily dismissed Ryan's protest as untimely since it was not filed within 10 working days of December 15, the date the basis of the protest was known. Ryan filed the current protest in this Office on January 24, 1989, upon being advised of the agency's intent to award the contract to another bidder.

Our Bid Protest Procedures require that bid protests be filed within 10 working days after the basis for the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1988). Here, Ryan knew the basis of its protest when it received the agency's letter on December 15. Ryan did not protest either to the contracting

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agency or our Office within 10 working days of that date. Further, Ryan's new protest filed on January 24, 1989 does not state any independent basis of protest, but merely repeats the allegations contained in its earlier untimely protest. Therefore, the protest is not timely and will not be considered.

*Michael B. Golden*

For  
Ronald Berger  
Associate General Counsel