



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Aero Components Company of Arlington, Inc.

**File:** B-244608

**Date:** September 9, 1991

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Jon C. Williams for the protester.  
Robert L. Mercadante, Esq., Defense Logistics Agency, for the agency.  
David Hasfurther, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest filed with the General Accounting Office more than 10 working days after the protester knew or should have known the basis of its protest is untimely.

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### DECISION

Aero Components Company of Arlington, Inc. protests the award of purchase order DLA500-91-M-G355 to Boeing Helicopters under request for quotations (RFQ) No. DLA500-90-Q-JG12, issued by the Defense Industrial Supply Center (DISC), Defense Logistics Agency, for 50 strap assemblies, Boeing Part No. 114P8079-2. Aero contends that the award should be canceled because the agency denied Aero an opportunity to compete by failing to evaluate Aero's lower-priced quotation fairly.

We dismiss the protest.

The RFQ, issued July 27, 1990, requested the submission by August 17 of quotations for the purchase of the 50 strap assemblies. As of August 17, no quotations had been received. By letter of August 30, Boeing submitted a quotation for 50 assemblies at \$116.00 each (and for two lesser amounts at higher prices). As of the time Boeing's offer expired, it had not been accepted by DISC.

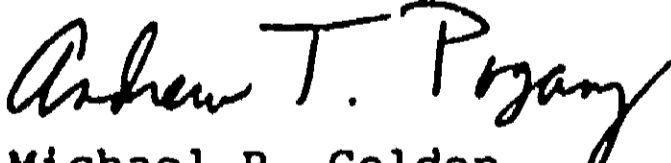
Aero submitted a quotation dated October 29 for 50 assemblies at a price lower than Boeing's quote. Aero stated that the quotation was based on Aero manufacturing the assembly in accordance with the original equipment manufacturer's (OEM) drawing. By letter of November 13, Aero, pursuant to a request by the buyer, forwarded its technical data package, which consisted of the OEM drawing and drawing updates

Nos. 1-4. The data package was evaluated by DISC and was rejected as technically unacceptable because it did not contain drawing updates Nos. 5-9. By letter of January 30, 1991, Aero was informed that its offer had been found technically unacceptable since its data package did not contain updates Nos. 5-9. Aero was also told that it could resubmit its data, including updates Nos. 5-9, either as part of this procurement or prior to any future procurement.

Also on January 30, the agency requested a revised quotation from Boeing. Boeing submitted a revised quotation dated February 25. The purchase order was awarded to Boeing on March 12. Aero learned of the award on June 20. Its protest was filed with our Office on June 26.

We find that Aero knew or should have known of the basis of its protest upon its receipt of the agency letter of January 30 informing Aero that its quotation was technically unacceptable because it was not based on the revised drawing. Aero failed to pursue or file its protest against the rejection of its quotation until it did so with our Office on June 26. Our Bid Protest Regulations require a protest to our Office to be filed not later than 10 working days after the basis of the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1991). Here, Aero's protest to our Office was clearly filed more than 10 working days after it knew or should have known the basis of its protest. The fact that Aero's protest was filed within 10 working days of the award to Boeing is irrelevant since it is the rejection of Aero's quotation and the reasons for that rejection, not the award to Boeing, that form the basis of Aero's protest. See generally Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268, aff'd, B-238055.2, July 30, 1990, 90-2 CPD ¶ 79.

The protest is dismissed.

  
for Michael R. Golden  
Assistant General Counsel