



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Summit Research Corporation

File: B-256887

Date: April 20, 1994

DECISION

Summit Research Corporation protests the award of a contract, on or about January 5, 1994, to Analysis, Design & Diagnostics, Inc., by the Department of the Navy under request for proposals No. N68836-93-R-0139.

Summit states that it learned the basis for protest on (1) January 8, 1994, when it received Dun and Bradstreet information on the awardee; (2) January 21 and March 11, when it received documentation it had requested pursuant to the Freedom of Information Act on January 8 and February 22, respectively; and (3) March 23, when it received a transcript of a telephone technical debriefing held on February 22. Summit's protest was filed in our Office on April 1, 1994.

We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Summit asserts that it "awaited the accumulation of all the aforementioned information in order to meet the [General Accounting Office] GAO requirement that a protester raise all available arguments at the time a protest is made in order to preclude piecemeal protests." However, by its own admission it had all this information by March 11; it had all requested documents by that date, and had been given an oral debriefing. While the protester received the transcript of the oral debriefing on March 23, as stated

above, receipt of oral information is sufficient to provide a basis for protest and to start the 10-day period running. Accordingly, Summit could not properly await the transcript of the debriefing; it was required to protest within 10 days of March 11. Since it did not, the protest is untimely and is dismissed.

Ronald Berger
Associate General Counsel