



Comptroller General  
of the United States

14576

Washington, D.C. 20548

# Decision

**Matter of:** Pioneer Aerospace Corporation

**File:** B-257401

**Date:** June 7, 1994

## DECISION

Pioneer Aerospace Corporation protests the award of a contract to Mills Manufacturing Corporation under request for proposals (RFP) No. SP0460-94-R-2475, issued by the Defense General Supply Center (DGSC) for parachute canopy assemblies. The protester essentially contends that the agency improperly failed to solicit Pioneer, a qualified supplier for these items.

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) (1994). Here, the award to Mills Manufacturing was synopsized in the Commerce Business Daily (CBD) on April 14, 1994; publication in the CBD constitutes constructive notice of contract award and is sufficient to start the 10-day time period running. Federal Servs. Group, B-224605, Dec. 23, 1986, 86-2 CPD ¶ 710. Since Pioneer was on notice of the award, it was required to protest the agency's failure to solicit the firm within 10 working days of the April 14 CBD notice.

Pioneer argues, however, that in order to determine if it had a valid basis for protest, the firm needed additional information from the agency. The protester filed a Freedom of Information Act (FOIA) request for information concerning "the item procured, date of solicitation, and date solicitation was mailed." The protester states that it received the agency's response on May 23, and its protest to our Office was filed on May 25.

While Pioneer may have believed that information concerning the date the solicitation was issued and the items being procured was necessary, the April 14 CBD notice of award included the RFP number, the contract number, the contract price, and a brief item description which together clearly identified the procurement at issue. Thus, the notice did trigger the 10-day timeliness period for filing a protest by providing information from which the protester knew, or should have known, its basis for protest, i.e., that the agency did not solicit a qualified supplier of this item. Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129.

The protest is dismissed.

*Michael R. Golden*  
Michael R. Golden  
Assistant General Counsel