



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The Temple Group, Inc.

File: B-258307

Date: September 15, 1994

DECISION

The Temple Group, Inc. protests the terms of request for proposals (RFP) No. S-FBOAD93-R-0125 issued by the Department of State.

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.

In this case, the solicitation provided for a pre-proposal conference to be held. The protestor states that due to expectant inclement weather it was advised by the agency that the scheduled conference would not be held. The Temple Group states that it learned a few days later that the pre-proposal conference had actually been held on January 20, 1994. The Temple Group, Inc. asserts that it was unfairly disadvantaged in preparing its proposal by not attending the pre-proposal conference.

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.

Since The Temple Group knew only a few days after the scheduled date that the conference had been held, it should have filed its protest within 10 days from that date. A protestor may not await until after award has been made to protest this matter. Therefore, the protest is untimely and will not be considered.

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