



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Agee Distributors

File: B-229675

Date: January 26, 1988

DIGEST

Protest that firm was unreasonably denied an opportunity to compete filed months after procurements were conducted is untimely filed since the General Accounting Office Bid Protest Regulations require that a protest be filed no later than 10 working days after the basis of protest is known or should have been known, whichever is earlier.

DECISION

Agee Distributors, a minority owned small business, protests the Department of the Army's alleged discriminatory treatment in not allowing the placement of its degreaser, a cleaning compound, in the self-service store at Fort Knox, Kentucky. Specifically, Agee contends that the Army has repeatedly and unreasonably refused to solicit its quotation for a degreaser.

In its protest correspondence, Agee does not protest a particular procurement and the Army reports that no solicitation or award is currently pending at Fort Knox. Agee does not rebut the Army's statement. The record further indicates that Agee's protest that the Army improperly has denied the firm opportunities to compete under prior procurements concerns procurements which were conducted months before Agee filed its protest on November 24, 1987. Our Bid Protest Regulations require that a protest be filed with the contracting agency, or this Office, not later than 10 working days after the basis of protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1987). Thus, Agee's protest filed months after these procurements were conducted is untimely. Target Financial Corp., B-226683, June 29, 1987, 87-1 CPD ¶ 641.

The protest is dismissed.

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