

M. H. ...

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20543

04736

FILE: B-190876

DATE: January 11, 1978

MATTER OF: Computer Micrographics

**DIGEST:**

Protest is untimely and not for consideration on merits when basis for protest, specific reason for agency rejection of proposal was known more than 10 days prior to protest filing.

Computer Micrographics (CMI) has protested the rejection of its proposal and award of a contract for microfilm services under solicitation No. NOO123-77-R-1491, issued by the Department of the Navy (Navy), Navy Regional Procurement Office, Long Beach, California.

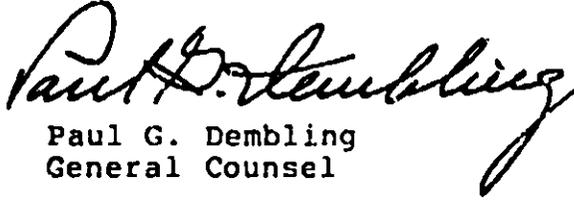
CMI's protest, filed with our Office on December 12, 1977, set forth CMI's claim that its proposal was improperly rejected because the rejection only appears to be based on the fact that the Navy felt "more comfortable with U.S. Data Corp.," the eventual awardee.

The Navy has advised us that award was made on October 31, 1977, and that CMI was made aware of this, initially, by telephone on November 4, 1977, with formal notification sent on November 10, 1977, setting forth the specific reason for the rejection of the CMI proposal.

Our Bid Protest Procedures provide that protests "shall be filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." 4 C.F.R. § 20.2(b)(2) (1977). CMI was aware of the basis of its protest more than 10 working days before the protest was filed with our Office on December 12, 1977. Therefore, the protest is untimely.

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Accordingly, CMI's protest is not for consideration on the merits.

  
Paul G. Dembling  
General Counsel