



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter: Brehn Corporation
File: B-259691
Date: December 29, 1994

DECISION

Brehn Corporation protests the rejection of its proposal under solicitation No. 94-1 issued by the Department of Transportation, Federal Highway Administration (FHA), under the Small Business Innovative Research program. Brehn contends that its proposal was rejected because FHA lacked adequately experienced personnel to evaluate the proposals.

We dismiss the protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests 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). Further, a matter initially protested to the agency will be considered only if the initial protest to the agency was filed within the time limits for filing a protest with our Office. 4 C.F.R. § 21.2(a)(3); Tandy Constr. Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206.

In this regard, Brehn states that it received a letter dated October 3, 1994, indicating that its proposal would not be recommended for funding. On October 5, Brehn requested a debriefing, to which the agency responded on October 25 by providing Brehn with copies of the evaluators worksheets. Based on the information Brehn received on October 25, it filed a protest with the agency on November 21. Since that was more than 10 working days after its basis for protest was known, Brehn's agency protest was untimely. Therefore, the instant protest filed here on December 15 will not be considered.

Ronald Berger
Associate General Counsel