

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-210649

DATE: March 7, 1983

MATTER OF: Maxson Corporation

DIGEST:

Claim for proposal preparation costs based on matters not timely protested will not be considered.

Maxson Corporation (Maxson) submits a claim for proposal preparation costs in connection with its participation in a procurement under request for proposals (RFP) No. DAAK70-82-Q-1216, issued by the United States Army Mobility Equipment Research and Development Command (Army), Fort Belvoir, Virginia.

We dismiss the claim because it is based on matters not timely protested.

Maxson bases its claim on the Army's allegedly improper exclusion of Maxson from the competitive range and the resulting exclusion of Maxson from negotiations. Maxson learned that the Army would not negotiate with it and that another firm had been selected for award on August 31, 1982. On October 20, 1982, Maxson filed a claim for proposal preparation costs with the contracting officer. After an exchange of correspondence, the contracting officer denied the claim in a decision dated December 21, 1982. Maxson filed its claim with GAO on January 31, 1983.

GAO will not consider a claim for bid or proposal preparation costs which is based on issues not timely protested. Mil-Air, Inc., B-191424, July 20, 1978, 78-2 CPD 55. To be timely filed, a protest must be filed with either GAO or the contracting agency within 10 working days of the date that the protester was aware of the basis for its protest. 4 C.F.R. § 21.2(b) (1982).

Maxson knew the basis of the protest on August 31, 1982. Even if Maxson's claim of October 20, 1982, is considered a protest to the Army, which it does not appear to be, it was filed more than 10 working days after August 31, 1982, and is untimely.

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Consequently, we dismiss the claim.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel