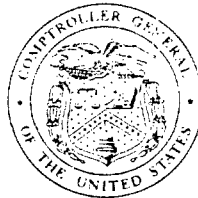


Proc II

**DECISION**



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

10,018

FILE: B-194475

DATE: May 1, 1979

MATTER OF: The Perkin-Elmer Corporation

DLG 01479

[PROTESTER STATED AWARDEE'S DEVICES NOT SUBJECTED TO  
DIGEST: Qualification TESTING]

Protest is untimely and not for consideration on the merits where filed more than 10 working days after basis for protest is known and more than 10 days after formal notification of adverse action regarding the initial complaint made with the contracting agency.

The Perkin-Elmer Corporation (Perkin-Elmer) pro- DLG 01480 tests the contract with Electronic Controls, Inc., under Defense Electronic Supply Center Purchase Request No. YPE78318003007. Perkin-Elmer states that there has not been an adequate showing that the device offered by Electronic Controls, Inc. has been subjected to qualification testing to demonstrate compliance with the specifications. The material submitted by Perkin-Elmer with its protest, which was received here on March 26, 1979, indicates that it received notice of the award on March 9, 1979. This notice also responded to a letter in which Perkin-Elmer raised similar questions about the propriety of contracting with Electronic Controls for this requirement. The agency's notice advised the protester that the devices to be supplied by Electronic Controls had been subjected to extensive testing and were found to be totally acceptable.

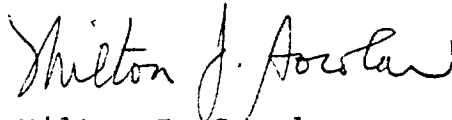
Protests must be filed (received) not later than 10 working days after the basis of protest is known or should have been known, whichever is earlier, or within 10 days of formal notification of adverse action regarding the initial complaint made with the contracting agency. 4 C.F.R. 20.2(a) and (b)(2) (1978). Perkin-Elmer's protest was received here more than 10 days after the firm was advised of the contract with Electronic Controls and of the procuring agency's belief that the units to be supplied had been subjected to extensive testing and were considered responsive to the specification in question.

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B-194475

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The protest to this Office, therefore, is untimely filed and is dismissed.

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar  
General Counsel