

DECISION



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

[Un timely Protest of Army Contract Award] 40989

FILE: B-181397

DATE: July 23, 1974

MATTER OF: General Builders, Inc.

DIGEST: Protest filed at least 8 working days after basis of protest was known is untimely under section 20.2 of GAO Interim Bid Protest Procedures and Standards that requires protest be filed not later than 5 days after basis of protest is known.

Invitation for bids (IFB) No. DACA05-74-B-0102 for housing renovation at Fort Lewis, Washington, was opened by the Sacramento District of the United States Army Corps of Engineers (Corps) on May 14, 1974. Bids were required for a base bid and two deductive items. General Builders, Inc. (General), submitted the low base bid of \$632,000. Considering the two deductive items, General's total bid was \$615,208. The Assurance Company bid \$644,770 for the base bid, and including deductives its total was \$598,430. The Government estimate for the base bid was \$714,000, and \$646,900 with the deductive items. Available funds amounted to \$501,830.

By letter dated May 20, 1974, General protested the Corps' proposed consideration of the deductive alternates in determining the low bidder. This information was obtained in a telephone conversation prior to May 20, 1974, with the Sacramento Office of the Corps.

Section 20.2(a) of our Interim Bid Protest Procedures and Standards (4 CFR 20) provides that " * * * bid protests shall be filed not later than 5 days after the basis for protest is known or should have been known, whichever is earlier. * * * The term 'filed' as used in this section means receipt in the * * * General Accounting Office * * *." General's protest was received by our Office on May 31, 1974. Since the basis of protest was known at least by May 20, 1974, and was not filed with our Office until 8 working days thereafter, the protest is untimely and will not be considered on its merits.

R. F. [Signature]
Deputy Comptroller General
of the United States

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