

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-186834

DATE: July 19, 1976

MATTER OF: Nupla Corporation

**DIGEST:**

Protest against public exposure of bid price before bid opening filed with contracting agency more than 10 days after basis of protest was known is untimely under our Bid Protest Procedures and cannot be considered on merits.

By letter dated June 24, 1976, the Nupla Corporation (Nupla) protests award of a contract to any other bidder under invitation for bids (IFB) FTAN-E5-60699-A, issued by the General Services Administration (GSA).

At bid opening on May 14, 1976, Nupla discovered that its bid had been previously opened. From this, Nupla infers that its prices were publicly exposed prior to bid opening, thereby affording its competitors an improper advantage. Nupla protested this to GSA by letter dated May 27, 1976. GSA states that the protest was not received until June 4, 1976. GSA denied Nupla's protest by letter dated June 17, 1976.

Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. part 20 (1976), provides that when a protester initially files its protest with the contracting agency, the protest must be filed within the same timeframe as protests filed with our Office. In this case, the applicable period for timely filing, as stated in section 20.2(b)(2), is within 10 days after the basis for the protest is known. Nupla knew of the basis for its protest on May 14, 1976. Since Nupla did not file its protest with GSA until June 4, 1976, or more than 10 days after the basis of the protest was known, Nupla's protest to GSA was untimely. Consequently, Nupla's protest to our Office is also untimely and will not be considered on the merits.

A handwritten signature in cursive script that reads "Paul G. Dembling".

Paul G. Dembling  
General Counsel