

**DECISION**

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

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60940

FILE: B-186498

DATE: June 2, 1976

98873

MATTER OF: Price Waterhouse &amp; Company

**DIGEST:**

Protest alleging inadequacy of notice of issuance of solicitation published in Commerce Business Daily and inadequate lead time for submission of proposals is untimely under sections 20.2(b)(2) and (1) of GAO's Bid Protest Procedures, respectively, since protest was filed nearly two months after basis of protest should have been known and subsequent to due date for receipt of initial proposals.

Price Waterhouse & Company, Office of Federal Services (Price) protests the notice issued by the Commerce Business Daily (CBD) on March 11, 1976, announcing the issuance of RFP H-4003 by the Department of Housing and Urban Development (HUD).

The announcement provides as follows:

"H \* \* \* PERFORM A COMPREHENSIVE EVALUATION OF SELECTED NEW COMMUNITY PROJECTS and recommend alternatives for New Community Development Corporation consideration - Job RFP H-4003; RFP due date 29 Mar 76 \* \* \*."

We are informed that by letter dated March 17, 1976, Price requested a copy of the subject RFP. Price was provided by HUD with a copy of the RFP five or six days later on the 22nd or 23rd of March. On the March 29, opening date, 14 proposals were received and two contracts have been awarded. Price did not submit a proposal and filed its protest by letter dated May 7, 1976.

It is Price's position that it was not able to submit an offer because the description of the task contained in the CBD announcement did not "permit timely and accurate pursuit and assessment of the project and its very significant magnitude". Further, Price argues that an offeror without previous exposure to the project could not prepare a meaningful proposal within the 18 day response limitation.

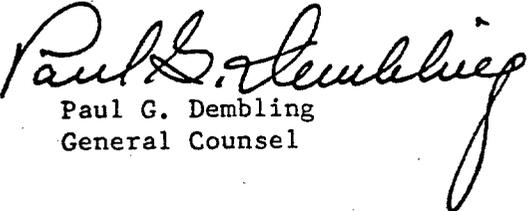
Section 20.2(b)(2) of our Bid Protest Procedures, 40 Fed. Reg. 17979, April 24, 1975, states that bid protests shall be filed not later than 10 days after the basis for the protest is known or should

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have been known, whichever is earlier. When Price received the RFP sometime during the week of March 22 it should have known the basis of its protest which is that the CBD announcement did not adequately describe the procurement represented by the subject RFP. Accordingly, Price's protest is clearly untimely in that its protest letter was not sent to our Office until nearly two months after it knew or should have known the basis for its protest.

Similarly, Price's allegation that the RFP allowed inadequate time for proposal preparation should have been raised prior to the due date for initial proposals, Bid Protest Procedures, 20.2(b)(1).

The protest will not be considered.

  
Paul G. Dembling  
General Counsel