

01448

Jessica Botsford

Proc. II

DECISION



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

FILE: B-187920

DATE: January 13, 1977

MATTER OF: F. J. Roderick & Son, Inc.

DIGEST:

Protest is untimely and not for consideration on the merits because protest was not received within 10 working days after basis for protest was known.

F. J. Roderick & Son, Inc. (Roderick) has protested the award of a packing and crating contract to Brown's Moving and Storage Co., Inc. (Brown's) under invitation for bids (IFB) No. F30635-76-0-9172, issued by the Department of the Air Force, Griffiss Air Force Base, New York.

Bids were opened on October 4, 1976, and on October 12 Roderick apparently was informed that it was the lowest bidder. Roderick, however, failed to submit evidence of ICC operating authority within 30 days of the bid opening as required by paragraph 27, part I, section C of the solicitation, and the Air Force therefore awarded the contract to Brown's. In its letter of December 10, 1976, to our Office, Roderick stated that it was informed of this award on November 8. Roderick protested the award to Brown's by letters dated November 22 to our Office and to the Procurement Division of Griffiss Air Force Base.

This Office's Bid Protest Procedures, 48 C.F.R. § 20.2(a) (1976), require that a protest must be received by either the contracting agency or the General Accounting Office within 10 working days after the basis of protest is known or should have been known, whichever is earlier. In accordance with these provisions, Roderick's protest should have been received by November 22 at the latest, since Roderick received notification of the award to Brown's on November 8. However, Roderick's protest letter, dated November 22, was not received by our Office or Griffiss Air Force Base until November 29. The protest is therefore untimely and is not for consideration on its merits.

Paul G. Dembling
Paul G. Dembling
General Counsel