

DOCUMENT RESUME

02714 - [A1872895]

[Untimely Protest]. B-188960. June 27, 1977. 1 pp.

Decision re: Jerry M. Lewis Truck Parts & Equipment, Inc.; by Milton Socolar (for Paul G. Dembling, General Counsel).

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: All-Flo Products Co., Inc.; Department of the Army: Army Tank-Automotive Materiel Readiness Command, Warren, MI.

Authority: 4 C.F.R. 20.2(b)(2).

The protester objected to the award of a contract due to a suspected miscalculation by the Army in evaluating the F.O.B. origin offers. The protest was untimely and ineligible for consideration on its merits since it was filed more than 10 days after the basis for the protest was known or should have been known. (Author/SC)

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**DECISION**



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

**FILE: B-188960**

**DATE: June 27, 1977**

**MATTER OF: Jerry M. Lewis Truck Parts & Equipment, Inc.**

**DIGEST:**

Protest filed more than 10 days after basis for protest was known, or should have been known, is untimely and ineligible for consideration on the merits.

The subject protest has been filed against the award of a contract to All-Flo Products Company, Inc. (All-Flo) by the U.S. Army Tank-Automotive Materiel Readiness Command, Warren, Michigan, under solicitation DAAE07-77-B-0070. The basis for the protest is a suspected miscalculation by the Army in evaluating F.O.B. origin offers.

The record indicates that the protest is untimely. By letter of March 18, 1977, the Army notified the protester of the award to All-Flo, of the award price, and that the award was based on F.O.B. origin freight rates. By telegrams of April 22 and April 27, 1977 (the latter received April 28, 1977) to the contracting agency and this Office respectively, the protester objected to the award to All-Flo, and by letter of April 27, 1977, received in this Office on May 4, 1977, the protester advised us of the basis for its protest.

Our Bid Protest Procedures, 4 C.F.R. Part 20 (1977), require that bid protests be filed not later than 10 working days after the basis for protest is known, or should have been known, whichever is earlier. 4 C.F.R. 20.2(b)(2). The term "filed" means receipt in the contracting agency or in this Office as the case may be.

Since the protest was not "filed" within the required period, it is ineligible for consideration on the merits. Accordingly, the matter is dismissed.

*for Milton Forster*  
Paul G. Dembling  
General Counsel