

DOCUMENT RESUME

02990 - [A20:3098]

[Request for Reconsideration of Protest Ruled Untimely].  
B-189273. July 14, 1977. 2 pp.

Decision re: Wessel Co., Inc.; by Paul G. Dembing (for Elmer B. Staats, Comptroller General).

Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law II.  
Budget Function: General Government: Other General Government  
(806).

Organization Concerned: Government Printing Office.

Authority: 4 C.F.R. 20.2, 40 Fed. Reg. 17979, 53 Comp. Gen. 533.  
B-180481 (1974), B-186495 (1976).

The protester requested reconsideration of a decision dismissing as untimely their protest of the award of a readvertised contract. The prior decision was affirmed since the Bid Protest Procedure were published in the Federal Register, and the protester was therefore deemed to be on constructive notice of their contents. The failure of the contracting agency officials to inform the protester of GAO time limits was not sufficient justification to consider an otherwise untimely protest. (Author/SC)

3098

02990

Berger P.L. #211

**DECISION**



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

FILE: b-189273

DATE: July 14, 1977

MATTER OF: The Wessel Company, Inc. (Reconsideration)

**DIGEST:**

Prior decision that protest filed more than 10 days after basis of protest was known to protester is untimely and not for consideration on merits is affirmed since Bid Protest Procedures were published in Federal Register and protester is therefore deemed to be on constructive notice of their contents and failure of contracting agency officials to inform protester of GAO time limits is not sufficient justification to consider otherwise untimely protest.

The Wessel Company, Inc. (WCI) has requested reconsideration of our decision B-189273, June 21, 1977, 77-1 CPD \_\_\_\_, dismissing as untimely that firm's protest of the award of readvertised Jacket No. 233-068 by the United States Government Printing Office (GPO). We held that the protest was untimely because it was not filed with this Office within 10 working days after WCI learned of the basis for protest, as prescribed by Section 20.2 of our Bid Protest Procedures, 4 C.F.R. 20.2 (1977).

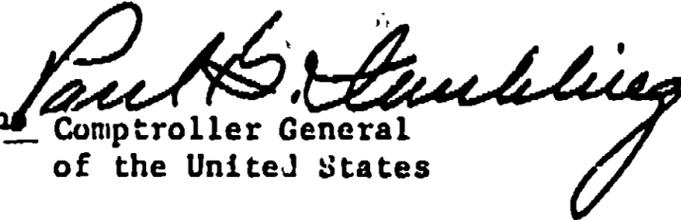
In requesting reconsideration, WCI points out that it initially contacted GPO about the matter and that GPO responded, advising WCI of the basis for the action complained of and further advising that any further protest should be made to this Office. GPO did not, however, advise WCI of any time requirements for filing a protest here. WCI states that it had no independent knowledge of the time limits and that since GPO failed to advise of them, the time standards should not be applied.

We appreciate that WCI was not on actual notice of the time standards prescribed in our Bid Protest Procedures. However, this lack of knowledge is not sufficient justification for our considering an otherwise untimely protest. The Bid Protest Procedures were published in the Federal Register, see 40 Fed. Reg. 17979 (1975), and under the law we must regard WCI as being on constructive notice of their contents. See e.g., Dewitt Transfer and Storage Company, 53 Comp. Gen. 533 (1974), 74-1 CPD 47; Lance Investigation Service, Incorporated, B-180481, April 5, 1974, 74-1 CPD 177.

B-189273

While this may seem unfair to WCI, we point out that to raise a legal objection to the award of a Government contract is a serious matter. At stake are not only the rights and interests of the protester, but those of the contracting agency and other interested parties. Effective and equitable procedural standards are necessary so that parties have a fair opportunity to present their cases and protests can be resolved in a reasonably speedy manner. The timeliness rules are intended to provide for expeditious consideration of objections to procurement actions without unduly burdening and delaying the procurement process. Service Distributors, Inc. (Reconsideration), B-186445, August 10, 1976, 76-2 CPD 149.

Consequently, our decision of June 21, 1977, is affirmed.

  
For the Comptroller General  
of the United States