

DOCUMENT RESUME

03597 - [A2513630]

[Untimely Protest to Award of a Lease]. B-189977. September 2, 1977. 1 pp.

Decision re: Vanit Research Co.; 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: General Government; Other General Government (806).

Organization Concerned: Federal Plaza Associates; General Services Administration.

Authority: 4 C.F.R. 20.2.

Company protested the award of a lease by the General Services Administration after initially protesting to the agency, claiming that its proposal was substantially lower in price than that of the awardee. Since the protest to GAO was not filed within 10 days of receipt of initial adverse action by the agency, it was untimely. (HTW)

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DECISION

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

FILE: B-189977

DATE: September 2, 1977

MATTER OF: Vanir Research Company

DIGEST:

Where protest is filed initially with procuring agency, subsequent protest to GAO not filed within 10 days of protester's receipt of letter constituting initial adverse action by agency, is untimely, as is protest filed more than 10 days after basis for protest is known.

Vanir Research Company (Vanir) protests the award of a lease to Federal Plaza Associates (Federal Plaza) under request for proposals No. GS-09B-76041, issued by the General Services Administration (GSA). Vanir asserts that under a proper evaluation, its proposal was substantially lower in price than that of Federal Plaza and consequently it should have been awarded the contract.

Vanir originally protested to GSA by letter dated July 5, 1977. GSA responded to that protest by letter dated July 15, 1977, advising Vanir of the reasons for the award to Federal Plaza and of certain information requested by Vanir. GSA also advised Vanir of this Office's address in the event Vanir chose to protest here. Vanir's protest was received in this Office on August 24, 1977.

Our Bid Protest Procedures, at 4 C.F.R. § 20.2 (1977), require that matters protested initially to the procuring agency be protested to this Office within 10 days of the protester's receiving actual or constructive notice of the agency's "initial adverse * * * action" on the protest, and that in other cases protests be filed within 10 days of the protester's learning of the grounds for protest. Accordingly, Vanir's failure to protest to this Office within 10 days after its receipt of GSA's letter of July 15th renders its protest untimely. It therefore will not be considered on the merits.

Paul G. Dembling
General Counsel