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DECISION



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

FILE: B-190235

DATE: December 7, 1977

MATTER OF: Williams' Building Maintenance

DIGEST:

Protest not filed within 10 working days after basis of protest is known or should have been known, whichever is earlier, is untimely under GAO's Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1977), and not for consideration on merits. Where offeror receives letter from procuring activity containing general explanation regarding rejection of proposal, offeror should file protest with procuring activity or our Office within 10 working days after receipt of rejection letter, in order for protest to be timely, and request that procuring activity provide additional details concerning unacceptability of proposal.

Williams' Building Maintenance (Williams') protests the rejection of its proposal which was submitted in response to request for proposals (RFP) F33600-77-R-0356 issued by Wright-Patterson Air Force Base.

The RFP was issued on June 22, 1977. August 10, 1977, was set as the date for receipt of proposals.

By letter dated September 13, 1977, the Department of the Air Force (Air Force) advised Williams' that its proposal was rejected as being outside the competitive range. The letter stated in pertinent part as follows:

"* * * your proposal did not meet the solicitation's mandatory threshold requirement for minimum experience. In addition, the proposal was also deficient in many areas and lacked an overall comprehensive integrated hospital aseptic management program. The nature and extent of these deficiencies and the absence of sound inter-relationships among the components submitted result in the * * * decision that your proposal is not acceptable. Further negotiation is not contemplated. Therefore, revision of your proposal cannot be considered.

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In its letter of protest dated October 25, 1977, which was filed with our Office on October 31, 1977, Williams' states, inter alia, that the Air Force's rejection letter was so general that it was unable to ascertain the reasons for its disqualification. The Air Force, on the other hand, contends that Williams' protest is untimely under GAO's Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1977), and should be dismissed, since it was not filed within 10 working days after receipt of the rejection letter. 4 C.F.R. § 20.2(b)(2) (1977) provides in part that:

"* * * bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier."

We agree that Williams' protest is untimely and not for consideration on the merits. Where, as here, an offeror receives a general explanation regarding the rejection of its proposal, the offeror should file a protest with either the procuring activity or our Office within 10 working days after receipt of the rejection letter and request that the procuring activity provide additional details concerning the unacceptability of its proposal. Power Conversion, Inc., B-186719, September 20, 1976, 76-2 CPD 256.

Since Williams' did not protest to either the agency or our Office within 10 days after the rejection letter, its protest is dismissed.

Milton J. Acosta
for Paul G. Dembling
General Counsel