

**DECISION**



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

*R. T. Callahan  
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**FILE: B-192239**

**DATE: September 8, 1978**

**MATTER OF: Irvin Industries, Inc.**

**DIGEST:**

Protest filed with GAO more than 10 days after the basis for protest is known is dismissed as untimely under GAO Bid Protest Procedures.

Irvin Industries, Inc. (Irvin) whose contract to supply linen crossfolders was terminated for default, protests the award of the reprocurement contract by the Veterans Administration (VA) under invitation for bids (IFB) M2-23-78.

Irvin alleges that it was orally advised by the contracting officer prior to bid opening that the firm would not be permitted to compete for the reprocurement contract. The agency in its report denies such oral advice was given. Although Irvin did not bid on the reprocurement, it filed a protest with our Office more than two and one half months after it allegedly was advised that it would not be allowed to compete.

Under our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1977), protests must be filed within 10 days after the basis for protest is known or should have been known, whichever is earlier. Assuming Irvin's allegation is correct, Irvin was required to file its protest within 10 days after it allegedly was told it would not be permitted to compete for the reprocurement. Therefore, its protest filed with our Office more than two and one half months after the action complained of is untimely.

Accordingly, the protest is dismissed.

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We direct the protester's attention to our decision, PRB Uniforms, Inc., 56 Comp. Gen. 976 (1977), 77-2 CPD 213, wherein we discuss at length the right of a defaulted contractor to compete on reprourement.

*for* *Walter J. Aroslan*  
Paul G. Dembling  
General Counsel