

Proc II

DECISION



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

10,758
548

FILE: B-194749

DATE: June 21, 1979

MATTER OF: Omega Associates II

DLG 01908

DIGEST:

Protest filed more than 10 days after the basis for protest is known (notice of acceptance by the Government of another proposal) is untimely and not for consideration on merits.

Omega Associates II (Omega) protests the rejection of its proposal and the contract award to another firm, because of actions of which it was aware prior to the award announcement. The procurement involves a lease of warehouse space to the Government under solicitation No. 63 issued by the General Services Administration (GSA). For the following reason, we must dismiss Omega's protest as untimely filed.

AGC 00017

In a letter dated April 13, 1979, which Omega states it received on April 16, 1979, GSA advised the protester that it had accepted a more advantageous offer. Omega's protest of the award was received by our Office on May 1, eleven days after Omega's receipt of GSA's rejection letter.

Protests must be filed with our Office within 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) (1978). The term "filed" means the receipt of the protest in the General Accounting Office. 4 C.F.R. § 20.2 (b)(3) (1978); Teledyne Battery Products, B-192115, August 9, 1978, 78-2 CPD 110. Omega was aware of its basis for protest upon receipt of GSA's letter on April 16, advising the protester that another offer had been accepted by GSA. Therefore, its protest to the General Accounting Office, which was received eleven working days after Omega first learned of its basis for protest, is untimely and

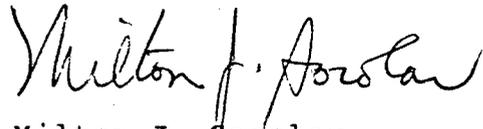
[Procurement Protest INVOLVING LEASE of WAREHOUSE SPACE]

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not for consideration on the merits. Teledyne Battery Products, supra.

While we recognize that Omega's protest is only one day late, we point out that our Bid Protest Procedures caution protesters to transmit protests in a manner which will assure their earliest receipt. 4 CFR § 20.2(b)(3) (1978); Johnson Associates, Inc., 53 Comp. Gen. 518 (1974), 74-1 CPD 43.

The protest is dismissed.



Milton J. Socolar
General Counsel