

10,961 PL-CG

DECISION



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

FILE: B-195335 **DATE:** August 7, 1979
MATTER OF: Tamp Corporation DLG 01677

DIGEST:

1. Protest filed more than 10 days after receipt of solicitation cancellation notice is untimely.
2. Where protest is filed untimely, GAO will not consider claim for bid preparation costs based upon issues raised in protest.

Tamp Corporation (Tamp) protests the Department of the Army's rejection of its bids and cancellation of invitations for bids (IFB) Nos. DAKF61-79-B-0017 and DAKF61-79-B-0018 allegedly for no compelling reason. If Tamp is not awarded the contracts under the above-mentioned IFB's, it claims bid preparation costs. AGC 00020

The solicitations were for mess attendant and valet services. The mess attendant services were to cover the period from April 21 until September 9, and the valet services were to be completed by June 2. Because of the short performance period and the delays encountered in determining Tamp's responsibility, the solicitations were cancelled when the Army concluded that no award could be made before July 15.

By letter dated May 24, 1979, received May 29, Tamp was informed that the contracting officer made a decision to cancel both IFB's and to perform the work in-house.

Section 20.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), provides that "protests shall be filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier."

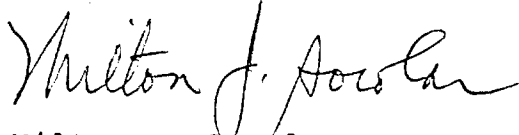
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[Protest CONCERNING
Bid REJECTION]

Since Tamp did not file a protest with either the agency or our Office until July 2, more than 10 days after the basis of the protest was known (May 29), the protest is untimely and not for consideration by our Office.

With regard to Tamp's claim for bid preparation costs, we have held that our Office will not consider a claim for bid or proposal preparation costs based upon issues raised in an untimely protest. See MilAir, Inc., B-191424, July 20, 1978, 78-2 CPD 55.

Therefore, the protest and claim are dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel