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P.L. - I

DECISION



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

FILE: B-196072

DATE: October 1, 1979

MATTER OF: Whitaker Supply Company, Incorporated

[Protest of Bid Rejection as Nonresponsive]
DIGEST:

Protest filed more than 10 working days
after basis of protest is known or should
have been known is untimely under 4 C.F.R. §
20.2(b)(2). ✓

Whitaker Supply Company, Incorporated (Whitaker),
has protested the rejection of its bid and the award
of a contract to the Bowman Company under solicitation
No. 0338-AA-68-09-HB issued by the District of
Columbia. ✓ 52

Whitaker's protest was filed with our Office on
September 18, 1979. According to the protest filed
by Whitaker, in a meeting on June 28, 1979, the con-
tracting officer advised that he considered Whitaker's
bid to be nonresponsive and that award of the contract
to Bowman was going to be recommended to the D.C.
Corporation Council Review Committee. We have been
informally advised that the contract was awarded to
Bowman on July 31, 1979, and notice of the award was
sent to Whitaker on the same date. (C) 12/6

Under our Bid Protest Procedures (4 C.F.R. part
20 (1979)), section 20.2(b)(2) requires protests to
be filed with our Office within 10 working days after
the basis of the protest is known or should have been
known. Here, at the latest, Whitaker knew award had
been made to another firm after its receipt of the
July 31 notice of award. Therefore, Whitaker's
protest, filed over a month later, is untimely and
not for consideration on the merits.

The protest is dismissed.

Milton J. Socolar
General Counsel

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