

13455 P2-I

DECISION



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

FILE: B-198284

DATE: April 17, 1980

MATTER OF: Labconco Corporation

D 4387

A 17

DIGEST:

A 43

Protest is untimely and not for consideration on merits where protest is not received within 10 working days after basis for protest was known (receipt of letter rejecting proposal as late).

Labconco Corporation (Labconco) protests the General Services Administration's (GSA) rejection of its offer as late, under request for proposals (RFP) No. FCGE-D-75091-N, issued by the Federal Supply Service.

Labconco urges that the proposal is for consideration since the firm complied with the terms of Federal Supply Schedule contracts for the past 20 years, and the proposal was in the mail over 24 hours prior to the closing date.

The closing date for receipt of proposals was 10:30 a.m., December 28, 1979. Labconco's offer was dispatched at 10 a.m., December 27, 1979, via Express Mail Service. The offer arrived at 11:30 a.m., December 28, 1979, 1 hour late. GSA advises that by letter of January 8, 1980, Labconco was informed that the offer was rejected as late. GSA further advises that the letter's return receipt shows that Labconco received the letter on January 11, 1980. Subsequently, in mid-February 1980, GSA officials confirmed in telephone conversations with Labconco's vice president that GSA would not consider the offer.

Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1980), require that a protest must be filed with our Office within 10 working days after the basis of the

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protest is known or should have been known, whichever is earlier. We received Labconco's protest on March 28, 1980. Under our standard, the protest is clearly untimely. For this reason, the protest is not for consideration on the merits.

We note that we have considered and summarily denied a protest similar to Labconco's involving Express Mail Service. See Graphic Controls Corporation, B-194698, May 23, 1979, 79-1 CPD 373.

Accordingly, the protest is dismissed.

Harry R. Dan Clive
for Milton J. Socolar
General Counsel