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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

[Untimely Protest of Bid Evaluation]

FILE: B-198850

DATE: May 28, 1980

MATTER OF: Bayou State Trucking Inc.

~~DLG03826~~
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DIGEST:

Protest filed more than 10 working days after protester learned of bidding results and that contracting agency determined protester misapplied total quantities contained in solicitation is untimely under 4 C.F.R. § 20.2(b) (2) (1980) which requires protest be filed within 10 working days after basis of protest is known or should have been known.

Bayou State Trucking Inc. (Bayou) has protested the evaluation of bids under solicitation No. DAHC21-80-B-0406 issued by Headquarters Military Traffic Management Command, Eastern Area.

Bayou states that on April 29, 1980, it was advised that the low bidder was Ecilamor Corporation at a bid price of \$139,564.38. Bayou's bid was \$1,611,374. The contracting agency advised Bayou that the wide variance in the bid prices was caused by Bayou's misapplication of the total quantities set forth in the schedule of rates. Bayou contends that it applied the quantities correctly.

DLG04723

However, Bayou's protest was not received in our Office until May 15, 1980. Since Bayou learned of the bidding results and of the agency's explanation for the wide variance in the bids on April 29, 1980, the protest is untimely under our Bid Protest Procedures (4 C.F.R. part 20 (1980)). Section 20.2(b) (2) of the Procedures requires protests be filed within 10 working days after the basis of the protest is known or should have been known.

The protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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