

DECISION



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

PLCG

FILE: B-200150

DATE: September 10, 1980

MATTER OF: U.S. Eagle, Inc. *CNGO 1461*

DIGEST:

[Protest of agency's cancellation of solicitation] is untimely when filed more than 10 days after protester receives notification of cancellation.

U.S. Eagle, Inc. (Eagle) protests the July 25, 1980 cancellation of invitation for bids (IFB) N62474-79-C-3261, issued by the Department of the Navy. The protester, alleging it has expended considerable time and money in preparing its bid and that the award will result in a savings to the Government, requests that the decision to cancel the solicitation be reversed. The protest is untimely. *AGC00001*

Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1980), require that a protest be received by either the contracting agency or our Office within 10 days after the basis for protest was known or should have been known, whichever is earlier. Eagle was notified, by letter dated July 25, 1980, of the cancellation and the reasons therefor. Consequently, Eagle was required to file its protest within 10 days after receipt of that letter. However, Eagle's protest was not received in our Office until August 28, 1980 and thus appears to be untimely and not for consideration on the merits. Time Oil Co., B-192180, July 7, 1978, 78-2 CPD 25.

Accordingly, the protest is dismissed.

Milton J. Socolar

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