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**DECISION**



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

FILE: B-206753

DATE: April 5, 1982

MATTER OF: Owl Technical Associates, Inc.

**DIGEST:**

Protest filed with GAO more than 10 days after protester knew basis for protest (reopening of procurement to other offerors) is dismissed as untimely.

Owl Technical Associates, Inc. (Owl), protests the award of a contract to any offeror other than itself under solicitation No. S0123002, issued by the Department of the Interior (Interior). Owl asserts that the agency improperly reopened the procurement to other offerors after Owl had been determined to have submitted the lowest cost, technically acceptable best and final offer.

Owl states that after it was advised that it was the low offeror, on February 23, 1982, the agency requested Owl to execute a certification of current cost or pricing data. On February 24, 1982, Owl requested a 24-hour delay to verify its prices in order to insure the validity of its final offer. At that time, the contracting officer advised Owl that, in view of this request, the agency would be reopening the procurement to the other offerors. On February 25, 1982, Owl called the contracting officer to verify its prices and was advised that the procurement had already been reopened for revised best and final offers. Interior has advised our Office that the new closing date was March 5, 1982, and that award was made on March 19, 1982. Owl protested this action by a mailgram filed (received) in our Office on March 17, 1982.

Under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1981), a protest based on an alleged impropriety in a solicitation which is apparent prior to the closing date for receipt of proposals

must be filed not later than the next closing date for receipt of proposals. Here, the next closing date for receipt of proposals was March 5, 1982, and Owl did not file its protest with GAO until March 17, 1982.

We dismiss the protest as untimely.

*For* *F. H. Barclay, Jr.*  
Harry R. Van Cleve  
Acting General Counsel