

Iannizelli
120026

DECISION



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

FILE: B-209504.2

DATE: December 1, 1982

MATTER OF: International Shelter Systems, Inc.

DIGEST:

Where protest is filed with GAO more than 10 working days after receipt by protester of contracting officer's letter indicating bases for protest, protest is untimely filed and not for consideration.

International Shelter Systems, Inc. (ISS), protests the Bureau of Reclamation's rejection of its bid as nonresponsive and determination that ISS is nonresponsive pursuant to solicitation No. 40-S3279 for construction of portable family dwellings. We find that the protest is untimely and, therefore, summarily dismiss it.

Enclosed with ISS's protest was a letter from the contracting officer to ISS (dated October 12, 1982) which explained in detail why ISS's bid was considered to be nonresponsive and why ISS was considered to be nonresponsive. By its own admission, ISS received this letter on October 19. ISS's protest to our Office (by letter dated November 2, 1982) was filed on November 9.

Our Bid Protest Procedures require that a protest be filed not later than 10 working days after the basis for protest is known. 4 C.F.R. § 21.2(b)(2) (1982); Sierra Research Corporation, B-192367, August 8, 1978, 78-2 CPD 105. Since ISS received the contracting officer's explanation of the bases for finding ISS's bid nonresponsive and ISS nonresponsive on October 19, it is clear that ISS was aware of the bases for its protest more than 10 working days before its protest was filed in our Office on November 9.

Consequently, the protest is untimely and not for consideration on the merits.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel