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FILE: B-212125

DATE: June 30, 1983

MATTER OF: Redlake Corporation

DIGEST:

Protest against rejection of a bid which is filed with the contracting agency more than 10 working days after the reason for rejection is known is untimely under the Bid Protest Procedures and will not be considered by GAO.

Redlake Corporation (Redlake) protests the rejection of its bid as nonresponsive to invitation for bids No. 1-55-2160-0096 (MJY) issued by the National Aeronautics and Space Administration (NASA), Langley Research Center, Hampton, Virginia.

We dismiss the protest as untimely filed.

By letter of May 6, 1983, NASA advised Redlake that its bid had been rejected. In a telephone conversation 4 days later, Redlake was informed of the reason for the rejection. Redlake protested the rejection to NASA in a letter dated May 25, 11 working days after it knew the basis for the protest. Subsequently, Redlake filed a protest with our Office on June 17.

Our Bid Protest Procedures provide that when a protester files its protest initially with the contracting agency, the protest must be filed timely. 4 C.F.R. § 21.2(a) (1983). In this case, the applicable period for timely filing is within 10 working days after the basis for protest is known. 4 C.F.R. § 21.2(b)(2) (1983). As indicated above, Redlake sent its letter of protest to NASA more than 10 working days after it knew the basis of protest. Therefore, Redlake's protest to our Office is untimely. Virginia Abrasives Corporation, 58 Comp. Gen 33 (1978), 78-2 CPD 293.

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Acting General Counsel

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