

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548****FILE:** B-211816.2**DATE:** July 21, 1983**MATTER OF:** Mike Vanebo--Reconsideration**DIGEST:**

Prior decision dismissing protest as untimely is affirmed on reconsideration since protester is charged with constructive knowledge of Bid Protest Procedures published in the Federal Register, notwithstanding misleading advice received from contracting officer concerning filing of a protest.

Mike Vanebo requests reconsideration of our decision in Mike Vanebo, B-211816, June 20, 1983, 83-1 CPD \_\_\_\_, which dismissed as untimely his admittedly late protest against the Department of Agriculture's rejection of his bid under invitation for bids No. R6-R-83-46.

Mr. Vanebo has furnished a letter from the contracting officer which, in part, reads:

"[i]f you believe the contracting officer acted in bad faith, your appeal route is to contact your elected officials."

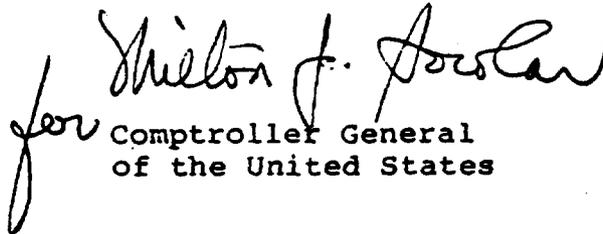
Mr. Vanebo reports that as a result of this advice he promptly contacted his elected representative. For this reason Mr. Vanebo believes that we should consider his late protest.

The advice from the contracting officer is an insufficient ground to reverse our prior decision since, notwithstanding the contracting officer's advice, our Bid Protest Procedures, 4 C.F.R. part 21 (1983), are published in the Federal Register and protesters are charged with constructive notice of their content. Peter A. Tomaino, Inc.-- Reconsideration, B-208167.2, January 10, 1983, 83-1 CPD 19. Since the protester has made no showing that our prior conclusion is erroneous, we see no reason to

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consider the matter further. Virginia-Maryland Associates, Inc.--Reconsideration, B-191252, July 7, 1978, 78-2 CPD 19.

Accordingly, our prior decision is affirmed.

*for*  Milton F. Fowler  
Comptroller General  
of the United States