

DECISION

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

27153

FILE: B-213514**DATE:** January 5, 1984**MATTER OF:** Pacific Protective Garments, Inc.**DIGEST:**

Protest to GAO filed more than 10 days after the contracting officer informed the protester that its bid was rejected as nonresponsive is untimely and not for consideration.

Pacific Protective Garments, Inc. (Pacific), protests the Navy's rejection of its bid, submitted pursuant to invitation for bids (IFB) No. N00406-83-B-2142, as nonresponsive.

We dismiss the protest as untimely filed with our Office.

Pacific advises that on October 10, 1983, it was orally advised by the contracting officer that its bid was rejected as nonresponsive. Pacific admits that at that time it was made aware of the reason why its bid was considered non-responsive. Pacific then protested to our Office by a letter mailed first class, which was received on October 25, 1983.

Our Bid Protest Procedures require that "protests shall be filed [with our Office] not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." 4 C.F.R. § 21.2(c) (1983). Accepting Pacific's recitation of the facts, Pacific first became aware of the reason for the rejection of its bid on October 10. As noted above, Pacific's protest was not received by our Office until October 25, which was 11 days after it knew the basis for protest. Therefore, Pacific's protest was not filed with (received by) our Office within the prescribed time period.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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