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DECISION



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

FILE: B-214053 **DATE:** January 23, 1984
MATTER OF: Power Lift/Aero Industries

DIGEST:

Protest against agency's failure to refer negative determination of small business protester's responsibility to the Small Business Administration is untimely when filed more than 10 working days (plus reasonable delivery time) after agency sent notice to protester of award to another.

Power Lift/Aero Industries (Power Lift) protests the Agency for International Development's (AID) failure to refer a negative determination of Power Lift's (a small business) responsibility to the Small Business Administration (SBA) prior to awarding to another firm under request for proposals No. RFP/COD/OTR-83-009, for the refurbishment of various types of equipment. We dismiss the protest as untimely filed.

AID advised Power Lift by letter dated November 22, 1983, that award was being made to a firm other than Power Lift. Power Lift's protest was received at GAO on January 3, 1984.

Our Bid Protest Procedures require protesters to file their protests no more 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 (b)(2) (1983). For protests filed with us, the term "filed" means receipt in our Office. Shell Computer Systems, Inc., B-203986, July 23, 1981, 81-2 CPD 58. Allowing a reasonable time for delivery of AID's letter of November 22, 1983, advising Power Lift of AID's award of the contract to another firm, it appears that Power Lift's protest filed with us on January 3, 1984 (more than a month after AID mailed the notice of award) is untimely. See Halifax Engineers, Inc., B-209822, December 15, 1982, 82-2 CPD 537.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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