

DECISION



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

FILE:

B-213715.2

DATE:

February 28, 1984

MATTER OF:

Ken's Trash Removal Service -
Reconsideration

DIGEST:

Bid Protest Procedures are published in the Federal Register, and protesters therefore are charged with constructive knowledge of their contents. Thus, lack of actual knowledge of timeliness requirements does not excuse untimely filing of protest.

By our decision in Ken's Trash Removal Service, B-213715, December 29, 1983, 84-1 CPD _____, we dismissed as untimely the Ken's Trash Removal Service (Ken's) protest under United States Army Corps of Engineers invitation for bids No. DACA41-84-B-0005. Because Ken's received the contracting officer's letter denying its protest on October 25, 1983, and because the protest of Ken's to our Office was not filed with us until November 15, we found the protest untimely under 4 C.F.R. § 21.2(a) (1983) of our Bid Protest Procedures. Section 21.2(a) states that where the initial protest has been timely filed with the contracting agency, any protest to our Office must be filed no later than 10 working days after the protester has knowledge of initial adverse agency action (in this case, the contracting officer's denial of the protest).

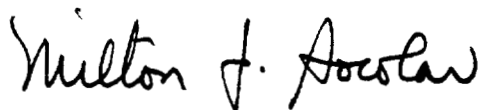
Ken's requests that we reconsider our dismissal because the contracting officer's letter was extremely misleading inasmuch as no mention was made of any 10-day deadline for filing with our Office. Moreover, Ken's states that the copy of our Bid Protest Procedures regulation, which Ken's requested of the contracting officer, was not received by Ken's until November 9 and the filing of its protest with our Office was made within 10 working days of this date.

We affirm our prior decision.

As regards the basis of the reconsideration request--the 10-working-day filing requirement--and Ken's lack of knowledge of this requirement prior to November 9, our Bid Protest Procedures, 4 C.F.R. part 21 (1983), are

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published in the Federal Register, and protesters are charged with constructive knowledge of their contents. Mike Vanebo, B-211816, June 20, 1983, 83-2 CPD 4. Thus, the fact that Ken's did not know the requirements set forth in our Bid Protest Procedures is irrelevant as concerns the timeliness of its protest.

for 
Comptroller General
of the United States