

DECISION

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

27595

FILE: B-214095.3**DATE:** March 5, 1984**MATTER OF:** ASOMA (Pennsylvania) Co., Inc.**DIGEST:**

Protest not filed within 10 working days after the protester knew or should have known of the basis of its protest is untimely and will not be considered.

ASOMA (Pennsylvania) Co., Inc. protests award under invitation for bids No. DLA600-83-B-0203 issued by the Defense Fuel Supply Center (DFSC) to supply coal to Wright-Patterson Air Force Base and a number of other federal installations. ASOMA contends that because the coal it offered fully satisfied the specification, its bid should not have been rejected.

We dismiss the protest.

By letter of December 14, 1983, DFSC informed all bidders, including ASOMA, that the contract had been awarded to Eastern Associated Coal Corporation. Another firm then protested award to Eastern and, by letter of January 19, 1984, DFSC advised all bidders of that protest. By letter to our Office dated January 28 and postmarked February 7, ASOMA referred to the other bidder's prior protest and objected to the rejection of its own bid. We received ASOMA's protest on February 15.

Section 21.2(b)(2) of our Bid Protest Procedures provide that a protest must be filed within 10 working days after the basis for the protest is known or should have been known. Here, ASOMA filed its protest some 46 working days after it received notice that its bid had been rejected and award had been made to Eastern, which time is greatly in excess of the required 10 day period even if a reasonable time for mailing is included. Accordingly, ASOMA's protest is untimely and will not be considered.

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

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