

DECISION

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

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FILE: B-214674

DATE: April 11, 1984

MATTER OF: Midwest Specialties

DIGEST:

A bid protest not received in our Office within 10 working days after the basis of the protest is known or should have been known is untimely under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), and will not be considered.

Midwest Specialties (Midwest) protests award of a contract under invitation for bids (IFB) No. DAAE07-84-B-J140 issued by the Department of the Army (Army).

We dismiss the protest without obtaining a report from the contracting agency, in accordance with section 21.3 of our Bid Protest Procedures, 4 C.F.R. § 21.3, as amended, January 17, 1983, 48 Fed. Reg. 1931 (1983), since the protest shows on its face that it is untimely.

Midwest was notified by a letter of February 2, 1984, that the bids had been opened prematurely on January 31, 1984, and resealed for opening on the scheduled date of March 2, 1984. Midwest contends that the premature opening date should be substituted for the scheduled bid opening date.

The Army has advised our Office that the contracting officer phoned all bidders between January 31 and February 2 with oral notification of the premature bid opening, and confirmed this by letter dated February 2, 1984.

Section 21.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), provides that to be considered timely a protest must be received in our Office within 10 working days after the basis of the protest is known or should have been known.

Midwest knew the basis of its protest on or about February 2, 1984, but the protest was not received in our Office until March 16, 1984, about 30 working days later.

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Therefore, the protest is untimely and will not be considered.

We dismiss the protest.

for *J. H. Barclay Jr.*
Harry R. Van Cleve
Acting General Counsel