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DECISION



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

FILE: B-215234

DATE: May 23, 1984

MATTER OF: ERA Helicopters, Inc.

DIGEST:

Protest of contracting officer's rejection of bid as nonresponsive is untimely when filed with GAO more than 10 working days after protester learned of bid rejection.

ERA Helicopters, Inc. (ERA) protests the rejection of its bid as nonresponsive under solicitation No. 814-04 issued by the Bureau of Land Management, Department of the Interior.

ERA was notified on April 27, 1984 that its bid had been rejected as nonresponsive. By letter of May 11, 1984, which we received on May 15; ERA protested the rejection of its bid.

The protest is untimely. Under our Bid Protest Procedures, a protest must be filed (received in our Office) not later than 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(b)(2) (1984). ERA knew its basis of protest on April 27. Therefore, its protest should have been filed here on May 11. Since the letter of protest was only mailed on that date and was not received here until May 15, the protest is untimely and not for consideration on the merits. See Air Tool & Control, Inc., B-214891, April 18, 1984, 84-1 CPD ¶ 446.

The protest is dismissed.

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

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