

**DECISION**

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

*Goddard*  
*RLM-I*  
*29989*

**FILE:** B-217253

**DATE:** December 12, 1984

**MATTER OF:** Penney's Gemstones

**DIGEST:**

Protest filed with the General Accounting Office more than 6 weeks after the agency mailed its rejection of protester's bid is untimely.

Penney's Gemstones (Penney's) protests the rejection of its bid by the Department of Energy (DOE) with regard to solicitation No. DE-RP08-84NV10409 by the Department of Energy (DOE). We dismiss the protest as untimely.

By letter of October 17, 1984, DOE rejected Penney's bid. Penney's protested the rejection to our Office by letter dated November 27, 1984, which was received in our Office November 30.

Our Bid Protest Procedures require that protests be filed with our Office or the contracting agency within 10 working days after the basis of the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1984). Allowing a reasonable time for the delivery of the procuring agency's rejection letter, it appears that Penney's protest against the rejection of its bid filed with our Office on November 30, 1984 (more than 6 weeks after DOE mailed the rejection letter), is untimely. Mann, Hundley and Hendricks, B-215541, July 2, 1984, 84-2 C.P.D. ¶ 10.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
General Counsel

030775