

DECISION



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

30580

FILE: B-218082 **DATE:** March 4, 1985
MATTER OF: Reliable Janitorial, Inc.

DIGEST:

Protest is dismissed as untimely when not filed within 10 working days after protester learned protest basis.

Reliable Janitorial, Inc. (Reliable) protests the Army's award of a contract under invitation for bids No. DAKF15-84-B-0103 for custodial services for various buildings at Fort Sheridan, Illinois. Reliable contends that the apparent low bidder, Weldon Cleaning, was improperly permitted to correct its bid amount after bid opening.

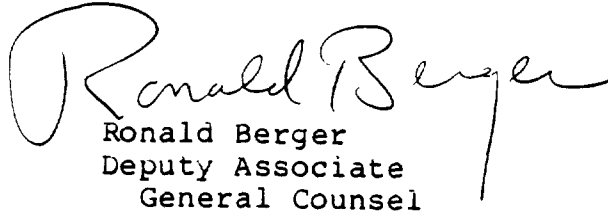
The Army advises in its report that the determination to allow Weldon to correct its bid was made on December 20, 1984. Although the record does not disclose when the protester was informed of the agency's decision to permit the correction, we note that the letter of protest is dated January 10, 1985. It is obvious that Reliable knew of the basis of the protest at that time. However, this letter did not reach our Office until January 28, because it was improperly addressed.

The Competition in Contracting Act of 1984 (CICA), P.L. 98-369, and section 21.2(a)(2) of our Bid Protest Regulations implementing CICA, 49 Fed. Reg. 49,417, 49,420 (1984) (to be codified at 4 C.F.R. § 21.2(a)(2)) require that protests be filed not later than 10 days after the basis of protest is known or should have been known, whichever is earlier. Our regulations further provide that the term "filed" in this context means receipt of the protest in the General Accounting Office. Id. at § 21.2(b).

031365

Since Reliable filed its protest at least 12 working days after the basis of the protest was known, it is untimely and will not be considered.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel