

DECISION



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

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FILE: B-217571 **DATE:** April 4, 1985
MATTER OF: Koenig Mechanical Contractors, Inc.

DIGEST:

A protest not received in the General Accounting Office within 10 working days after the protester was orally advised of the basis for the protest is untimely and will not be considered.

Koenig Mechanical Contractors, Inc. protests the rejection of its bid as nonresponsive under invitation for bids No. 603-83-113 issued by the Veterans Administration Medical Center (VA), Louisville, Kentucky.

We dismiss the protest.

The record indicates that on December 20, 1984, Koenig visited the contracting officer and was orally notified that its bid had been found nonresponsive because the firm failed to furnish a bid guarantee. Koenig's protest was received in our Office on January 11, 1985.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1984), provide that a protest, in order to be considered, must be received in our Office not later than 10 working days after the basis for protest is known, or should have been known, whichever is earlier. We have recognized that oral notification of the basis for protest is sufficient to start the 10-day period running and that a protester may not delay filing its protest until receipt of the written notification, which merely reiterates the basis for protest. The Bendix Corp., B-214142, Mar. 12, 1984, 84-1 CPD ¶ 285.

Since Koenig's protest was not received in our Office within 10 days after the oral notification, the protest is untimely and will not be considered.

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The propriety of dismissal became clear only after the VA provided us with a copy of a record of the December 20, 1984, conversation between Koenig and the contracting officer as part of the agency report which the VA filed with our Office. In its reply to the report, Koenig, despite the opportunity to do so, neither disputes that it was orally notified nor contests the VA's assertion that the protest is untimely.

Accordingly, the protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel