



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Korean Maintenance Company

File: B-231844

Date: August 1, 1988

DIGEST

Synopsis of a procurement in the Commerce Business Daily (CBD) constitutes constructive notice to potential offerors of the solicitation and its contents. Therefore, protest based on agency's alleged failure to send protester a copy of the solicitation, which was publicized in the CBD, is untimely when it is filed more than 10 working days after the (extended) closing date for receipt of proposals.

DECISION

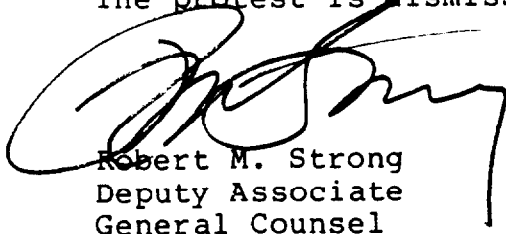
Korean Maintenance Company protests any award of a contract under solicitation No. GS09P88KSC0194, issued by the General Services Administration (GSA) for custodial services. Korean Maintenance contends that, even though it is the incumbent contractor, GSA failed to provide it with a copy of the solicitation prior to the closing date for receipt of proposals, thereby preventing the firm from competing. The protester requests cancellation of the solicitation so that it may compete for the contract.

We dismiss the protest as untimely. Under our Bid Protest Regulations, a protest must be filed--received in our Office--within 10 working days of when the basis for it is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1988). GSA advises that the solicitation was synopsisized in the Commerce Business Daily (CBD) on February 12, 1988, with a bid opening date of May 7, although the date later was extended to June 14. Where a contracting agency has properly synopsisized a proposed procurement in the CBD, a potential contractor, including an incumbent such as Korean Maintenance, is on constructive notice of the solicitation and its contents and has a duty to make reasonable efforts to obtain copies in order to ensure that the firm is included in the competition. See Rut's Moving & Delivery Service, Inc., B-228406, Feb. 11, 1988, 88-1 CPD ¶ 139. Korean Maintenance therefore should have known of the

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procurement and should have protested its failure to receive a copy of the solicitation at the latest within 10 working days after the amended closing date of June 14, that is, by June 28. See Aluminum Co. of America, B-227139, July 21, 1987, 87-2 CPD ¶ 72. The protest was not filed until June 30, however.

The protest is dismissed.



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