



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: A-Able Appliance
File: B-242673.3
Date: May 14, 1991

Richard E. Bodie for the protester.
Lt. Col. William J. Holland, Department of the Air Force, for the agency.
Susan K. McAuliffe, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest against cancellation of solicitation is dismissed as untimely where protester filed its bid protest more than 10 working days after the date it knew the basis of protest.

DECISION

A-Able Appliance protests the cancellation of solicitation No. F29651-90-B-0061, issued by the Department of the Air Force for washers and dryers at Holloman Air Force Base, New Mexico.

We dismiss the protest as untimely because it was filed more than 10 working days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1991). The protester concedes that it was notified by letter of February 15, 1991, that the solicitation was canceled in its entirety and the agency's reasons for this action. A-Able did not file its protest with our Office, however, until March 12, more than 10 working days after the protester knew the basis for protest, allowing 1 week's mailing time for delivery of the February 15 letter from the Air Force. In its report to our

Office, the agency asserted that A-Able's protest was not filed within 10 working days of A-Able's receipt of the February 15 letter because the agency believed A-Able received the letter on or about February 19. A-Able did not rebut the agency's position in its comments to the agency report.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id. To waive our timeliness requirements here for the protester's sole benefit would only serve to compromise the integrity of those rules. Sharon R. Riffe-Cobb--Recon., B-223194.2 et al., June 25, 1986, 86-2 CPD ¶ 9.

The protest is dismissed.



Michael R. Golden
Assistant General Counsel