



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: C & G Excavating, Inc.

File: B-257225

Date: May 9, 1994

DECISION

C & G Excavating, Inc. protests the award of a contract by the Department of the Army under solicitation No. DACW65-94-B-0009.

We dismiss the protest because the initial protest to the agency was not timely filed.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests based on alleged improprieties in a solicitation must be filed prior to bid opening or the time established for receipt of proposals. 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). Further, our Regulations provide that a matter initially protested to the agency will be considered only if the initial protest to the agency was filed within the time limits for filing a protest with our Office. 4 C.F.R. § 21.2(a)(3); Tandy Constr., Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206.

These 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.--Request for 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.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "John M. Melody".

John M. Melody
Acting Associate General Counsel