



Comptroller General  
of the United States  
Washington, D.C. 20548

# Decision

**Matter of:** Y.C.N. Transportation  
**File:** B-261417  
**Date:** June 7, 1995

## DECISION

Y.C.N. Transportation protests the award of a contract to Bay State Taxi by the Department of Veterans Affairs (VA) under request for proposals (RFP) No. 525-3-95. Y.C.N. alleges that Bay State does not have workers' compensation insurance as required by the RFP.

The protester essentially is challenging the VA's determination that Bay State is a responsible contractor, that is, that Bay State is capable of performing and intends to perform in accordance with contract requirements. This is a matter we do not review except in circumstances not present here. 4 C.F.R. § 21.3(m)(5).

Moreover, the protest was not timely filed. Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Our Regulations provide that a matter initially protested to the agency will be considered only if the subsequent protest to us is filed within 10 working days of the protester's knowledge of adverse agency action and 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. A protest such as this must be filed within 10 working days of when the protester learns its basis of protest. 4 C.F.R. § 21.2(a)(2). Here, Y.C.N. was notified of the award on September 26, 1994, but did not lodge its agency-level protest until February 9, 1995, more than 10 working days later. VA denied the protest by letter dated February 15; Y.C.N.'s protest was not filed here until May 16. Thus, the protest is clearly untimely.

The protest is dismissed.

Ronald Berger  
Associate General Counsel