

*Proc. - I*

**DECISION**



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

*9785*

FILE: B-194230

DATE: April 10, 1979

MATTER OF: Weather Measure Corporation

*[Allegation That Proposal Rejection Was Improper]*

DIGEST:

*DLG 00027*

Protest concerning rejection of proposal which is not filed within 10 days after receipt of letter from procuring activity setting forth reasons for rejection is untimely under GAO Bid Protest Procedures and not for consideration on merits.

*AGC 00029*

The Department of Transportation (DOT) issued request for proposals LGM 7-7796 for the procurement of a cloud height indicator system. The protester, Weather Measure Corporation (WMC), submitted a proposal. By letter dated December 6, 1978, DOT advised WMC as to the technical reasons why its proposal was rejected. On February 27, 1979, WMC filed a protest with our Office alleging in substance that the rejection of its proposal for the stated technical reasons was improper.]

We find that WMC's protest is untimely under § 20.2(b)(2) (1978) of our Bid Protest Procedures (4 C.F.R. part 20 (1978)) and not for consideration on the merits, since WMC did not file a protest with either DOT or our Office within 10 working days after receipt of the rejection letter from DOT. Williams Building Maintenance, B-190235, December 7, 1977, 77-2 CPD 439. Title 4 C.F.R. § 20.2(b)(2) (1978) provides in part that:

"\* \* \* bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier."

*Since WMC's protest was untimely,*  
The protest is dismissed.  
*was*

*Harry R. Van Cleave*  
for Milton J. Socolar  
General Counsel

*204929*