



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Consolidated Management Services, Inc.

File: B-270696

Date: December 15, 1995

DECISION

Consolidated Management Services, Inc. (CMS) protests the rejection of its bid under invitation for bids (IFB) No. DAKF61-95-B-0078, issued by the Department of the Army for meals, lodging and transportation services.

We dismiss the protest as untimely because it was filed more than 14 calendar days after the protester knew, or should have known, of the basis for protest.

In its protest, the protester states that on November 22, 1995, the contracting officer advised the firm that the Army was going to reject its bid as nonresponsive-- apparently because of a discrepancy between the firm's actual corporate name and the name used in its bid. On December 7, CMS filed this protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based on alleged improprieties in a solicitation--such as CMS' contention that the Army improperly rejected its bid-- must be filed no later than 14 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. Section 21.2(a)(2), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(2)). In this regard, a protester's receipt of oral information forming the basis for its protest is sufficient to start the 14-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

As noted above, and as admitted by the protester in its pleadings, CMS did not file its protest until "15 calendar days" after the date "CMS became aware of the adverse actions of the [c]ontracting [o]fficer." Under these circumstances, CMS' protest is untimely, and will not be considered further.

The protest is dismissed.

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