

DECISION



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

50920

FILE: B-184634

DATE: September 10, 1975

MATTER OF: Rescom Incorporated

97546

DIGEST:

Where basis of protest was synopsisized in Commerce Business Daily, protester had 10 working days from date of publication in which to file protest with GAO.

Rescom Incorporated (Rescom) has protested against the award of a contract under invitation for bids (IFB) No. DACA31-75-B-0048 issued by the Department of the Army, Corps of Engineers, Baltimore District. Rescom questions whether the bid of Blatz Company (Blatz) comes within the statutory cost limitation provided in the solicitation. Rescom, also, protests that despite the provision in the solicitation for the determination of available funds before bid opening, as the basis for selection of the low bidder, that information was not disclosed.

Section 20.2 (b)(2) of our Bid Protest Procedures provides in part that protests shall be filed not later than 10 working days after the basis for protest is known or should have been known. 40 Fed. Reg. 17979 (1975). By letter dated June 20, 1975, the Army sent Rescom notice of award to Blatz for the base bid plus all four of the additive alternatives. While the record fails to indicate when Rescom received the letter, the award of the contract to Blatz was synopsisized on June 27, 1975, in the Commerce Business Daily (CBD). The protest of Rescom was not filed (received) in our Office until July 29, 1975, more than 30 days after publication in the CBD. Our Office has held that publication of an award in the CBD is constructive notice of the basis for protest. See Del Norte Technology, Inc., B-182318, January 27, 1975. Since Rescom did not file its protest within 10 working days after publication of the award in the CBD, it is untimely.

Accordingly, we must decline to consider the issues in controversy and are closing our file in the matter.

A handwritten signature in cursive script, reading "Paul G. Dembling".
Paul G. Dembling
General Counsel