

DECISION



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

60269

FILE: B-185103

DATE: December 8, 1975

MATTER OF: Reliable Maintenance Service, Inc.

97628

DIGEST:

Where initial protest to agency was untimely under § 20.2(a) and (b)(2) of GAO Bid Protest Procedures, it will not be considered on merits.

By letter dated November 18, 1975, Reliable Maintenance Service, Inc. (Reliable), has protested the award of a contract to any other offeror under request for proposals (RFP) 33600-75-R-0389, issued by the Air Force.

Reliable states in its protest letter that the contracting officer notified Reliable by decision dated September 29, 1975, that its proposal was determined to be unacceptable. Reliable has stated that it protested this determination to the Air Force by telegram on November 7, 1975.

Section 20.2(a) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975) provides in pertinent part that:

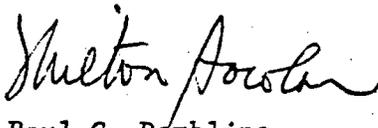
"* * * If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered provided the initial protest to the agency was filed in accordance with the time limits prescribed in paragraph (b) of this section, * * *" (emphasis supplied).

The applicable part of "paragraph (b)" referred to above states in pertinent part:

"* * * 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."

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Since the contracting officer's decision to reject Reliable's protest was dated September 29, 1975, it is clear that Reliable's protest of November 7, 1975, was not filed with the Air Force within 10 working days from the time Reliable knew or should have known of its grounds for protest as provided by our Bid Protest Procedures, supra. Reliable's protest is therefore untimely, and will not be considered on its merits.

for 
Paul G. Dembling
General Counsel