

# DECISION



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

FILE: B-187354

DATE: September 16, 1976

MATTER OF: Tenalp Construction Corp.

61447  
98026

## DIGEST:

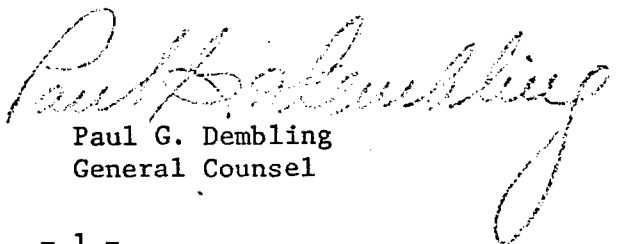
Protest filed in our Office more than 10 working days after basis of protest was known or should have been known is untimely under Bid Protest Procedures (4 C.F.R. 20 (1976)) and therefore will not be considered on the merits.

The Tenalp Construction Corp. (Tenalp) protests the rejection of its bid and the award of a contract under invitation for bids No. APHIS-18-B-76, issued by the Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland. Although Tenalp was the low bidder, it failed to acknowledge receipt of addendum No. 1. The addendum was not considered to be a minor informality or irregularity in bid which could be waived or cured.

The record indicates that bid opening was on June 25, 1976, and Tenalp received written notification from the contracting officer on June 29, 1976, that its bid was nonresponsive to the solicitation and was rejected. On July 1, 1976, Tenalp's attorney wrote the Department of Agriculture to protest this decision. On July 12, 1976, the contracting officer responded and affirmed his decision. Tenalp's protest letter dated August 30, 1976, was received in our Office on September 1, 1976.

Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. 20 (1976), provides in part that if a protest has been filed initially with the contracting agency, any subsequent protest to GAO filed within 10 days of notification of initial adverse agency action will be considered provided the initial protest to the agency was timely filed. Since Tenalp's protest to the agency was denied by letter dated July 12, 1976, Tenalp's protest received in our Office on September 1, 1976, is untimely.

Accordingly, the protest is untimely and will not be considered on the merits.

  
Paul G. Dembling  
General Counsel