

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-185586

DATE: January 15, 1976

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MATTER OF: Quincy Oil Co.

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 (40 Fed. Reg. 17979 (1975)) and therefore will not be considered on the merits.

The Quincy Oil Co. (Quincy) protests the award of any contracts under solicitation No. DSA600-76-B-0001, issued by the Defense Fuel Supply Center, Alexandria, Virginia. Although Quincy was the low bidder on several items, its bid was found to be nonresponsive because it included the statement that: "Bid Price subject to increase or decrease in Post Price on date of Delivery." This statement was determined not to be in compliance with solicitation clause L133, which referred to price change notification.

The record indicates that by letter dated November 19, 1975, the contracting officer sent written notification to Quincy that its bid was nonresponsive to the solicitation and was rejected. Quincy states this letter was received on November 24, 1975, and that in a subsequent telephone conversation that day it was orally advised of the reasons for rejection of the bid. Quincy's protest letter dated December 12, 1975, was received in our Office on December 23, 1975.

Section 20.2(b)(2) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), 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 Quincy knew the basis for its protest on November 24, 1975, a protest should have been filed in our Office by December 10, 1975. Accordingly, the protest is untimely and will not be considered on the merits.

A large, stylized handwritten signature in black ink, appearing to read "Paul G. Dembling".
Paul G. Dembling
General Counsel