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DECISION

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

FILE: B-194352 DATE: April 6, 1979

MATTER OF: Celco Pacific Division

DIGEST:

DLG 01419

9728

[Untimely Protest of Bid Being Declared Nonresponsive]

Protest not filed, either with contracting officer or with the General Accounting Office, within 10 working days after the basis for protest is known is untimely filed and not for consideration on the merits.

Celco Pacific Division (Celco) protests the award of a contract under invitation for bids (IFB) No. KO-A01-78-1526, issued by the Department of Commerce (Commerce) for the provision of deflection amplifiers. Celco contends that it is the apparent low bidder and that the contracting officer improperly determined it to be nonresponsive.

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The protest is untimely. Our Bid Protest Procedures require that protest be filed, either with the contracting agency or with this Office, not later than 10 working days after the basis for protest is known. 4 C.F.R. § 20.2 (1978). Celco was advised by letter of September 18, 1978 that its bid was declared nonresponsive. However, Celco's protest letter to our Office was not filed until March 14, 1979. Therefore, the protest is untimely filed and not for consideration on the merits. See Kings Point Manufacturing Company, Inc., B-191452, April 19, 1978, 78-1 CPD 306; Baytron Systems Corporation, B-192329, July 24, 1978, 78-2 CPD 67.

The protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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