

DECISION



12571  
FL-11  
m. Keenber  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-196552

DATE: January 16, 1980

MATTER OF: Mr. Ely Keenberg

*[Protest of Bid Rejection for Failure To Submit Certified Check as Bid Deposit]*  
DIGEST:

Protest that bid should not have been rejected for failure to submit certified check as bid deposit is untimely where protest was filed more than 10 days after protester learned basis for bid rejection.

Mr. Ely Keenberg protests the rejection of his bid under Sale No. 41-9367 issued by the Defense Logistics Agency. The bid was rejected because Mr. Keenberg did not submit a certified check for the required bid deposit. ABC00378

A check signed by Mr. Keenberg and drawn on the account of Fork Lift Sales Company in an earlier sale was dishonored by the bank. Although the check subsequently was redeemed, Mr. Keenberg was advised in accordance with DLA procedures, and prior to bidding on this sale, that his uncertified personal or business check would not be accepted for a bid deposit on future sales. Mr. Keenberg contends that the check had been wrongfully dishonored due to a banking error. He also states that the dishonored check was drawn on a corporate account while the check submitted for this sale is his personal check. For these reasons, the protester believes he, as an individual, should not be required to submit a certified check with his bid for this sale. DL903641

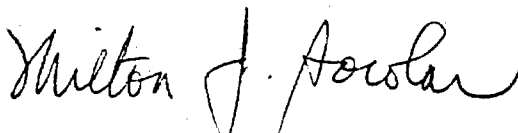
We find the protest to be untimely, as it was not filed within 10 working days after the protester knew his basis of protest. 4 C.F.R. § 20.2(b)(2) (1979).

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The record shows that DLA informed Mr. Keenberg on October 3, 1979 that his bid could not be considered for award because, although he submitted a personal check as a bid deposit, neither his personal nor business check could be accepted unless certified, as Mr. Keenberg had been advised. Mr. Keenberg filed his protest on October 25, more than 10 working days later. Accordingly, the protest is untimely and not for consideration on its merits.

We note that DLA has advised Mr. Keenberg of its procedures regarding removal of names from its dishonored check list. Mr. Keenberg's attempts to have his name removed from the list should be directed to DLA.

The protest is dismissed.

A handwritten signature in dark ink, appearing to read "Milton J. Socolar". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Milton J. Socolar  
General Counsel