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PL-1
Mr. Hordell

DECISION



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

FILE: B-197697

DATE: March 17, 1980

MATTER OF: International Power Machines Corporation

DIGEST:

Protest is untimely and not for consideration on merits when basis for protest (proposal determined late and, therefore, not for consideration for award) was known more than 10 days prior to filing.

[Protest ^{again} the rejection of its offer] International Power Machines Corporation (IPMC), through its representative, COMPower, has protested the rejection of its offer under request for proposals (RFP) No. FCGS-F-36367-N issued by the General Services Administration (GSA). *AS*

IPMC's protest, filed with our Office on February 6, 1980, is based on GSA's determination that IPMC's offer was not received in the room designated in the RFP in time to be considered for award. IPMC contends that the contract negotiator advised COMPower orally that it could deliver IPMC's offer to her office. COMPower advises that IPMC's offer was timely delivered to the contract negotiator's office but to someone other than the contract negotiator. COMPower states that it did not receive GSA's rejection letter, dated January 17, 1980, until February 4, 1980, since GSA sent the letter to IPMC at its Texas address and not to COMPower, which is located in Virginia, even though it submitted a change of address notice for COMPower with IPMC's proposal.

However, we note that even though COMPower signed IPMC's offer on standard form 33, page 1, block 18 (Name and Title of Person Authorizing to Sign Offer), in block 17 (Offeror) COMPower typed in IPMC's name and Texas address with no mention of COMPower's address. The record discloses that IPMC received GSA's letter on January 21, 1980.

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Our Bid Protest Procedures provide that protests "shall be filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." 4 C.F.R. § 20.2(b)(2) (1979).

It is clear from the record that IPMC was aware of the basis of its protest more than 10 days before its protest was filed with our Office. The fact that COMPower was not sent GSA's January 17 letter does not change our conclusion, since the offeror received actual notice of the rejection of its proposal and could have timely protested or advised COMPower of receipt of the notice. Therefore, IPMC's protest is untimely and not for consideration on the merits.

Harry R. Van Cleave
for Milton J. Socolar
General Counsel