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DECISION

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

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Protest of Sole Source Award of Consultant Contract PL II

FILE: B-201014

DATE: November 28, 1980

MATTER OF: Vietnam Veterans Foundation

DIGEST:

Protest filed with GAO more than 10 working days after protester received notice of sole-source award which provided basis for protest is untimely under our Bid Protest Procedures and not for consideration on merits.

The Vietnam Veterans Foundation (VVF) protests the sole-source award of a consultant contract by the Small Business Administration (SBA) for a study of an "SBA Veterans free enterprise program" to Mr. Jim Pechin. VVF asserts that it had previously contacted SBA concerning the award of a contract to pursue the same goals. VVF alleges that despite the SBA's knowledge of VVF's expressed interest and qualifications, the SBA purposefully excluded VVF from consideration for this contract, and did not publish any notice of its intent to solicit for this study prior to making award.

SBA has advised our Office that the contract in question (No. SBA-4869-ADA/P-80) was awarded July 1, 1980, to the Center for Community Economics. VVF has indicated that it learned of the award some time during July. The protest was filed (received) in our Office on October 24, 1980.

Section 20.2(b)(2) of our Bid Protest Procedures requires that "bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known." 4 C.F.R. § 20.2(b)(2) 1980. VVF did not file its protest until 3 months after it became aware of the award which provided the basis for its protest.

Accordingly, the protest is dismissed as untimely.

Milton J. Socolar

Milton J. Socolar
General Counsel

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