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DECISION



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

[Protest of Forest Service Contract Award]

FILE: B-200840

DATE: December 30, 1980

MATTER OF: Montana State University

DIGEST:

Protest of agency award of contract is untimely when filed more than 10 days after protester receives notification of agency decision to award.

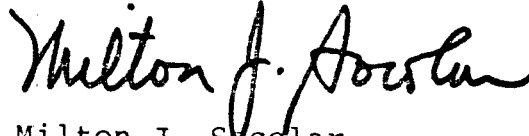
Montana State University (MSU) protests the decision of the Department of Agriculture, U.S. Forest Service, to award a contract under solicitation No. R6-80-278 to an offeror whose price is allegedly higher than MSU's. MSU claims that the contracting officer employed a flawed decisionmaking process and failed to make his determination in accordance with solicitation criteria. The solicitation requested technical proposals and the offer of a firm fixed price for a training course in transportation analysis. The Government reserved the right to award the contract "to that responsible offeror whose proposal is deemed technically acceptable and within the competitive range [and] most advantageous to the Government price and other factors considered * * *."

The protest is untimely. Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1980), require that a protest be received by either the contracting agency or our Office within 10 days after the basis for protest was known or should have been known, whichever is earlier. On September 24, 1980, MSU was informed by the contracting officer that, although its price was low, the University of California at Berkeley was deemed more capable of accomplishing the program's objectives and was receiving award. At this time MSU became aware of the basis for its protest and was consequently required to file its protest within 10

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days thereafter. However, MSU's protest was not received in our Office until October 14, 1980 and thus appears to be untimely and not for consideration on the merits. Time Oil Co., B-192180, July 7, 1978, 78-2 CPD 25.

Accordingly, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Secolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Secolar
General Counsel