

**DECISION**

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

FILE: B-211326.2

DATE: May 31, 1983

MATTER OF: A-Rentals, Inc.

**DIGEST:**

A protest not received in the General Accounting Office within 10 working days after the protester was orally notified of the basis for the protest is untimely and will not be considered. Protester may not delay filing protest until receipt of written notification which merely reiterated prior oral advice.

~~A-Rentals, Inc. (A-Rentals), protests the rejection of its bid as nonresponsive on invitation for bids (IFB) No. R6-3-83-41s issued by Gifford Pinchot National Forest, Department of Agriculture (Agriculture), for the rental of a quantity of motor vehicles.~~

We dismiss the protest.

Bid opening was on March 14, 1983. A-Rentals states in its protest that approximately 10 days following the bid opening, it learned through a third party that its bid was being rejected and the contracting officer was phoned to confirm this information. We have been informed by Agriculture that the contracting officer spoke with A-Rentals on March 28 and with the attorney for A-Rentals on March 29, and on both occasions advised A-Rentals that its bid was being rejected and of the reason for the rejection. The protest was not received in our Office until April 13, 1983.

On March 29, 1983, the contracting officer prepared and posted to A-Rentals written notification of the rejection of its bid and the basis for the rejection. A-Rentals alleges that this notification was received on March 30, 1983, 10 working days prior to receipt of the protest in our Office. A-Rentals contends that the protest should be considered timely because it was received within 10 working days after A-Rentals received the formal notification of the rejection of its bid and the reason for the rejection, which A-Rentals contends constitutes notification of the adverse agency action.

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We have recognized that oral notification of the basis for protest is sufficient to start the 10-day period running and that a protester may not delay filing its protest until receipt of a written notification which merely reiterates the basis for protest. Service Enterprises, Inc., B-190410, April 4, 1978, 78-1 CPD 266.

Although it may be reasonable for a bidder to wait for written notification of the agency's reasons for rejecting its bid, in this case we think the protester should have relied on the oral notifications of March 28 and 29. That notification was clear that the bid was being rejected for failure to bid on all items and the written notification was a mere reiteration of this oral advice.

Section 21.2(b)(2) of our Bid Protest Procedures, ~~C.F.R.~~ C.F.R. § 21.2(b)(2) (1983), provides that a protest, in order to be considered, must be received in our Office "not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." The basis was known on March 28, when the contracting officer informed A-Rentals of the rejection of its bid. The protest is untimely since it was not received in our Office until April 13, 1983, more than 10 days after March 28.

The protest is dismissed.

*for* *J. H. Rowley, Jr.*  
Harry R. Van Cleave  
Acting General Counsel