

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

26285

**FILE:** B-212942**DATE:** September 22, 1983**MATTER OF:** Petroleum & Power Maintenance, Inc.**DIGEST:**

Protest filed with GAO more than 10 working days after the basis for protest was known is untimely. Although the protest was submitted by certified mail, it was not mailed not later than the fifth day prior to the final date for timely filing of a protest.

Petroleum & Power Maintenance, Inc. protests the award of a contract to High Voltage Maintenance by the Veterans Administration (VA) under solicitation No. 676-22-83 676/90C for electrical testing and maintenance services. Petroleum states that it was notified by letter dated August 12, 1983 from the VA that its bid would not be accepted because it contained a mistake which the VA had decided could not be corrected. We dismiss the protest as untimely.

Our Bid Protest Procedures require that protests be received no later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2)(1983). We assume Petroleum received the August 12 notification by August 19, Crown Laundry & Dry Cleaners, Inc., B-207630, June 11, 1982, 82-1 CPD 568, so that a protest to this Office had to be filed by September 2. We did not, however, receive Petroleum's protest, which was sent by certified mail on August 31 until September 7. While our Bid Protest Procedures permit consideration of a late-filed protest where the protest is submitted to our Office by certified letter mailed not later than the fifth day prior to the final date for the timely filing of a protest with our Office, 4 C.F.R. § 21.2(b)(3), this exception does not apply here. Petroleum's letter was sent August 31, which is less than 5 days prior to September 2.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

026698