

DECISION

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

26594

FILE: B-213138**DATE:** October 27, 1983**MATTER OF:** Voyiazis Brothers Ltd.**DIGEST:**

Protest that contracting agency improperly opened bids after postponing the original bid opening is untimely when filed more than 10 working days after bids were opened prematurely.

Voyiazis Brothers Ltd. (VBL) protests the premature opening of bids by the General Services Administration (GSA) under invitation for bids No. RNY82047/RNY83043. We dismiss the protest as untimely.

In a letter dated September 13, 1983, which our Office received on September 23, VBL indicates the bid opening originally was scheduled for August 30, 1983, at 1:30 p.m. On August 29, GSA postponed the bid opening until September 13. Nevertheless, on August 30 GSA opened the bids that were submitted by that date and publicly read the results to the contractors that were present. VBL was the lowest bidder at \$125,000. All bidders, including VBL, were apprised of the premature bid opening. GSA then redistributed specifications and at the September 13 opening, another contractor was low at \$115,000. VBL protests GSA's procedure of having a second bid opening and requests that no award be made on this project for the coming year.

We find the protest untimely. Protests shall be filed no later than 10 days after the basis of protest is known or should have been known, whichever is earlier. See 4 C.F.R. § 21.2(b)(2) (1983). VBL knew its basis of protest on August 30 when it was apprised of the premature bid opening and that a later opening had been scheduled. Since VBL's protest was not received in this Office until more than 10 days after the August 30 opening, it is untimely. See Isometrics, Inc., B-204556, April 13, 1982, 82-1 CPD 340.

Accordingly, we dismiss the protest.

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

027003