

DECISION



signature
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548
27305

FILE: B-213743 **DATE:** February 2, 1984
MATTER OF: Holmes Ambulance Service Corp.

DIGEST:

1. Protest to GAO filed more than 10 days after the protester had been informed that award had been made to another contractor and basis therefor is untimely and not for consideration.
2. Although the protester alleges that it did not know of the requirement concerning the time for filing of a GAO protest, an untimely protest may not be considered because bidders are on constructive notice of the requirement.

Holmes Ambulance Service Corp. (Holmes) protests the award of a contract to A.A. Ambulance and Oxygen Service Company under invitation for bids 526-84-1, issued by the Veterans Administration (VA), for ambulance service. Holmes claims entitlement to the award as the alleged low bidder.

We dismiss the protest as untimely.

The VA reports that it met with a Holmes representative on October 3, 1983, 4 days after award, and informed him of the award and basis therefor and of the procedures for filing a protest with GAO. Holmes does not deny that it was informed of the award and basis, but claims that it was not informed of its appeal rights to our Office until November 11, 1983. Holmes' protest was filed with our Office on November 18, 1983.

Our Bid Protest Procedures require that protests shall be filed with our Office not later than 10 working days after the basis for protest is known. 4 C.F.R. § 21.2(b)(2) (1983). However, Holmes' protest was not filed with our Office until a month and a half after it knew the basis for protest.

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Although Holmes states that it was unaware of the protest procedures, this does not provide a basis for our Office to waive them because bidders are on constructive notice of our Bid Protest Procedures since they are published in the Federal Register (at 240 Fed. Reg. 17979 (1975), as amended by 48 Fed. Reg. 1931 (1983)) and the Code of Federal Regulations (at 4 C.F.R. part 21 (1983)).

Since Holmes failed to submit a timely protest to our Office, we will not consider the matter on the merits.

Harry R. Van Cleve
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Acting General Counsel