

# DECISION



unapplied 27657  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-214427

DATE: March 13, 1984

MATTER OF: Western States Management Services, Inc.

## DIGEST:

Protest concerning the rejection of a bid as unreasonably low filed with GAO more than 10 days after the protester received written notice from the agency of the basis for rejection of its bid and of award to another bidder is untimely and not for consideration on the merits.

Western States Management Services, Inc. (Western), protests the rejection of its bid as unreasonably low under invitation for bids (IFB) No. F07603-83-B-0052 issued by the Air Force for mess attendant services.

We dismiss the protest as untimely.

After 18 bids were received and opened, the contracting officer requested Western, on November 8, 1983, to forward to him certain information including lists of current and completed contracts, individual sureties, workpapers and manning charts. Western complied with this request the same day. On December 30, 1983, the Air Force awarded the contract to Logistical Support Services, Inc. (Logistical), at \$23,210 per year higher than Western's bid. Western states that it received a letter on January 24, 1984, from the contracting officer informing Western that award had been made to Logistical and that Western's bid had been rejected as unreasonably low. Western's protest was filed in (received by) our Office on February 17, 1984.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), require that:

". . .[B]id protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier."

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Here, Western admits that it knew the reason its bid was rejected and, thus, the basis for protest, on January 24, as a result of receiving the contracting officer's letter. Because Western's protest was filed with our Office more than 10 working days after Western knew the basis for protest, the protest is untimely and not for consideration on the merits. See Corley Mechanical Contractor, B-189110, August 4, 1977, 77-2 CPD 82.

We dismiss the protest.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel