

DECISION

11/11/84
BY II

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

28019

FILE: B-214891**DATE:** April 18, 1984**MATTER OF:** Air Tool & Control, Inc.**DIGEST:**

Protest of rejection of bid as nonresponsive is untimely when filed with GAO more than 10 working days after protester learned of protest basis.

Air Tool & Control, Inc. protests the rejection of its bid as nonresponsive under solicitation No. FEP-BV-F-194-A-12-8-83, issued by the General Services Administration (GSA).

Air Tool was notified by letter of March 7, 1984 that its bid was rejected for failing to meet certain specification requirements. By letter of April 3, which we received on April 7, Air Tool protested the rejection of its bid.

The protest is untimely. Under our Bid Protest Procedures, a protest must be filed (received) in our Office not later than 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(b)(2) (1983). GSA's letter of March 7 to Air Tool is stamped "RECEIVED MARCH 12, 1984." Obviously, the protest filed here on April 9 was filed more than 10 working days after Air Tool knew the basis of its protest. Therefore, the protest is untimely and not for consideration on the merits. See Small Business Systems, Inc., B-206285, February 22, 1982, 82-1 CPD 156.

The protest is dismissed.

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

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