

DECISION



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

FILE: B-215160

DATE: June 5, 1984

MATTER OF: The Pluvial Energy Association

DIGEST:

Protest not received in our Office within 10 working days after the protester knew or should have known of the basis of its protest is untimely and will not be considered.

The Pluvial Energy Association (Pluvial) protests the award of a contract under solicitation No. R5-12-84-06 issued by the United States Forest Service. The Forest Service did not consider a Pluvial prompt-payment discount which would have resulted in Pluvial being the low bidder. Pluvial also objects to the government making payment for contracts by check.

We dismiss the protest.

Section 21.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), provides that a protest must be filed within 10 working days after the basis for the protest is known or should have been known. Pluvial's protest was received in our Office on May 8. The Forest Service has informally advised our Office that by letter dated March 29, Pluvial was informed that its bid was rejected. Since the protest was not received in our Office until more than 1 month after the Forest Service advised Pluvial that its bid was rejected, it is untimely and will not be considered.

Finally, we note that Pluvial had requested payment in gold and silver coin and argues that under the United States Constitution, gold and silver coin is the only authorized manner of payment. However, in light of the fact that Pluvial was the 13th bidder in line for award and our finding above, we do not consider Pluvial sufficiently "interested" to raise this allegation. Nicolet Analytical Instruments, B-210851, April 26, 1983, 83-1 CPD 456.

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