

DECISION

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

28668

FILE: B-215392**DATE:** June 27, 1984**MATTER OF:** Grangeville Chamber of Commerce**DIGEST:**

Protest concerning rejection of proposal filed with GAO more than 10 working days after protester received written notice from the agency of the basis for rejection is untimely and not for consideration on the merits.

The Grangeville Chamber of Commerce (Grangeville) protests the rejection of its offer under solicitation No. DTFALL-83-L-00094, issued by the Federal Aviation Administration (FAA). The FAA issued the solicitation to determine the suitability of small communities as potential locations for Automated Flight Service Stations (AFSS). Grangeville contends that its proposal was not fairly evaluated and that the evaluation was based on criteria which were not in the original solicitation.

Section 21.2(c) of our Bid Protest Procedures requires that "protests shall be filed [with our Office] not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." 4 C.F.R. § 21.2(c) (1983).

By letter dated April 17, the FAA informed Grangeville that its offer did not meet the minimum requirements for an AFSS. In addition, the FAA included a copy of the criteria utilized by the FAA as well as the specific evaluation of Grangeville. Consequently, Grangeville was aware of its basis for protest when it received the FAA's letter. While the record does not indicate exactly when Grangeville received the letter, it is reasonable to assume that receipt was within 1 calendar week. Grangeville's protest was not filed with our Office until May 30, more than 10 working days after Grangeville knew or should have known the basis for protest. Accordingly, the protest is untimely and not for consideration on the merits. Western State Management Services, Inc., B-214427, March 13, 1984, 84-1 CPD 305.

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We dismiss the protest.

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