

LIBERMAN



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Greenville Plumbing and Heating

File: B-227071

Date: May 7, 1987

DIGEST

Protest which was initially untimely filed with the contracting agency will not be considered by the General Accounting Office.

DECISION

Greenville Plumbing and Heating protests the rejection of its low bid under invitation for bids (IFB) No. 646-20-87 issued by the Veterans Administration (VA) and the resolicitation of the requirement.

We dismiss the protest as untimely.

The IFB was issued on February 23, 1987, with a March 16 bid opening date. Of the two bids received, Greenville's bid was low. However, both bidders separately priced certain welding requirements in a manner which caused the contracting officer to conclude that these services were not included in the bids, and which rendered both bids non-responsive. On March 20, Greenville advised the contracting officer that the welding in question was included in its bid. The contracting officer declined to accept Greenville's explanation of its bid and determined that VA would resolicit the requirement. The resolicitation was issued on March 20 with an April 10 bid opening date.

Greenville's bid under the resolicitation was the highest of the four firms which bid. When Greenville learned of this result on April 10, it orally advised the contracting officer that it intended to protest that award should have been made under the original IFB. Greenville filed a protest on that basis with the VA on April 16. The contracting officer denied this protest by letter dated April 21 and Greenville protested to our Office on April 27.

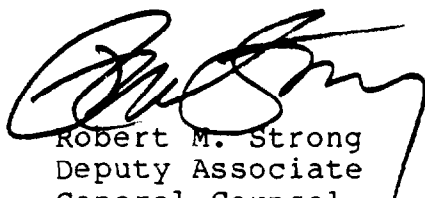
Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(3) (1986), if a protest has been filed initially with the

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contracting agency, in order for our Office to consider a subsequent protest, the initial protest must have been filed in accordance with GAO's timeliness requirements. Section 21.2(a)(2) of our Regulations requires that a protest be filed not later than 10 working days after the basis of protest is known or should have been known. Here, Greenville did not protest the rejection of its bid under the original IFB until more than 10 days after it learned both the reason that the bid had been rejected and that the VA was resoliciting the requirement.

To the extent that Greenville may be protesting the issuance of the resolicitation, this constitutes a protest against an alleged apparent solicitation impropriety which, under our Regulations, must be filed prior to bid opening in order to be timely. 4 C.F.R. § 21.2(a)(1). Greenville's protest to the agency was untimely filed after bid opening. Since Greenville's protest to the VA was clearly untimely, we will not consider its subsequent protest to our Office. Scopus Optical Industry, B-225728 et al., Mar. 25, 1987, 87-1 C.P.D. ¶ ____.

The protest is dismissed.



Robert M. Strong
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General Counsel