



The Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

Matter of: Carr-Gottstein Properties  
File: B-227750  
Date: August 5, 1987

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### DIGEST

Protest filed more than 10 working days after the protester should have received agency's notification of rejection is untimely and not for consideration.

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### DECISION

Carr-Gottstein Properties protests the failure of the Naval Facilities Engineering Command, San Bruno, California, to include Carr in the negotiations for the lease, with an option to purchase, of a building in Anchorage, Alaska. Carr also protests the agency's failure to issue a written solicitation containing evaluation criteria and its failure to request the submission of written proposals.

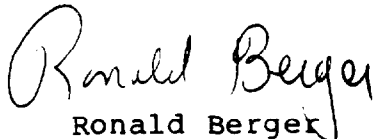
We dismiss the protest as untimely.

In late February and early March 1987, the agency published newspaper advertisements indicating that it was considering leasing a building for use as a Naval Reserve Center in Anchorage. The notices specified that responses were due by March 25. Carr contacted the agency and after a site inspection of Carr's building, the agency by letter of June 24 advised Carr that negotiations would not be conducted with it because two other buildings were rated higher as to visibility and location.

Our Bid Protest Regulations provide that all protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals must be filed prior to the bid opening date or closing date for receipt of proposals. 4 C.F.R. § 21.2(a)(2) (1987). Carr's contentions concerning the lack of a written solicitation, with evaluation criteria and the failure to require written proposals are

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based on matters evident from the face of the newspaper notice which should have been protested prior to the closing date for submission of responses. In any event, as of the time Carr received the agency's June 24 letter, it knew all the grounds of its protest. Our regulation require that protests other than those based on solicitation deficiencies must be filed within 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2). Where, as here, it is not clear when a notification letter is received, we assume that it is received within 1 calender week from the date it was sent. Adrian Supply Co.--Reconsideration, B-225474.3, Mar. 23, 1987, 87-1 CPD ¶ 328. Carr's protest, which was filed with our Office on July 20, is therefore untimely and is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel