



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-231159.2

June 21, 1988

The Honorable Sonny Callahan
House of Representatives

Dear Mr. Callahan:

This is in response to your letter dated May 10, 1988, concerning our dismissal of a protest filed by Anchor Bolt, Inc., under solicitation No. GA-36345B, issued by the Tennessee Valley Authority.

By notice of April 28, 1988, we dismissed Anchor's protest against award to another firm as untimely. You note that Anchor claims that it has never received written or verbal notification of who was awarded the contract and, therefore, you question how Anchor's protest could be considered untimely.

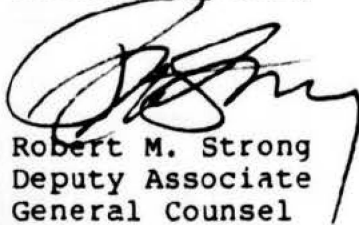
Under our Bid Protest Regulation, 4 C.F.R. § 21.2(a)(2) (1988), a protest must be filed within 10 working days after the date on which the basis for protest was known or should have been known. In its submission to our Office, Anchor specifically protested TVA's award of the contract in question to Weld Mart, Inc., for \$99,774, because Anchor had submitted a lower bid of \$67,336. Anchor stated that it had seen the notice of award in the March 31, 1988, issue of the Commerce Business Daily (CBD). However, Anchor did not file its protest in our Office until April 28.

Accordingly, we dismissed Anchor's protest because it was filed more than 10 days after the basis for protest was provided by the CBD notice of award. We note that our Office has consistently held that publication in the CBD constitutes constructive notice of the particular action publicized. Since Anchor should have known and, in fact, did know its basis for protest more than 10 days prior to the date on which it filed the protest, Anchor's protest was properly dismissed as untimely under our Regulations.

Regarding Anchor's question concerning the identity of the other bidders on this project and on the previous project, we do not have this information in our file. We suggest that Anchor direct this inquiry to the contracting activity.

We hope that this information is helpful. We have enclosed Anchor's letter which you requested that we return.

Sincerely yours,



Robert M. Strong
Deputy Associate
General Counsel

Enclosure