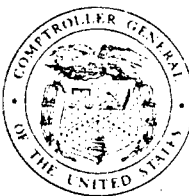


DECISION



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

60633

FILE: B-185903

DATE: March 12, 1976

MATTER OF: Nation-Wide Reporting and Convention Coverage

DIGEST:

98491

Protest alleging improper action on part of contracting officer and failure of agency to notify bidders of new location for receipt of bids is untimely under section 20.2(a) of GAO's Bid Protest Procedures which requires that issues be raised at GAO within 10 days of notification of or knowledge of adverse agency action.

By letter of December 1, 1975, to the General Services Administration (GSA), Nation-Wide Reporting and Convention Coverage (Nation-Wide) protested certain actions by the agency concerning recent solicitations for reporting services. With regard to solicitation No. FPHO-E-76864-A-2-6-75, Nation-Wide alleged that it was low bidder, but was pressured by the GSA contracting officer into withdrawing its bid. Nation-Wide claims that there was such intimidation on the part of the contracting officer that it had to withdraw its bid or suffer irreparable harm, injury and financial damages.

With reference to solicitation No. FPHO-E-42204-A-10-17-75, Nation-Wide protested that it did not receive adequate notification that the requirements for all regions would be solicited by a single solicitation from the Washington office instead of individual solicitations from the regional offices as had been the practice in the past.

GSA responded to Nation-Wide's protest by letter dated January 7, 1976. GSA indicated that after bids on solicitation No. FPHO-E-76864-A-2-6-75 were opened and Nation-Wide was determined to be the low bidder, GSA notified Nation-Wide on April 2, 1975, that award under the solicitation was contingent upon receipt of a Performance Bond as required by the terms of the solicitation. When Nation-Wide failed to submit the performance bond, the contracting officer made award to the next low bidder.

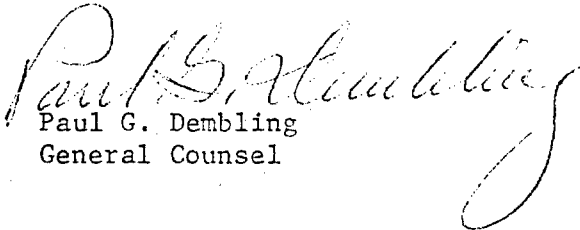
Solicitation No. FPHO-E-42204-A-10-17-75 was synopsised in the Commerce Business Daily on September 18, 1975. A copy of the solicitation was mailed to all previous contractors, including Nation-Wide, in sufficient time for submission of bids by the opening date of October 17, 1975. In its letter of January 7, 1976, to the protester, GSA stated that it believed proper notification was furnished to the bidders and the Government was not responsible for Nation-Wide's failure to bid.

On February 17, 1976, Nation-Wide protested to this Office alleging these same improprieties by GSA. With regard to Nation-Wide's allegations to this Office, section 20.2(a) of our Bid Protest Procedures provides in pertinent part:

"* * * If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered * * *." 40 Fed. Reg. 17979 (1975).

Since Nation-Wide was advised in a letter dated January 7, 1976, of GSA's position adverse to its protest, Nation-Wide's failure to protest to this Office until February 17 is untimely and will not be considered on the merits.

Accordingly, we are closing our file on this matter.


Paul G. Dembling
General Counsel