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

[Protest Against Bid Rejection For Lateness]

FILE: B-199404

DATE: July 18, 1980

MATTER OF: Optic-Electronic Corporation

DIGEST:

Protest is untimely because protester who received notice of adverse agency action did not file protest with GAO within 10 days thereafter as prescribed by Bid Protest Procedures.

Optic-Electronic Corporation (Optic) filed a protest with this Office concerning the prospective award of a contract under solicitation No. NOO104-80-B-0771 issued by the Department of the Navy. Optic contends that it has been improperly disqualified from consideration for award of the contract because the Navy contends that Optic's bid was received late.

Although Optic maintains that its bid was received on time and offers as proof a certified mail receipt, Optic did not timely file this protest with our Office and the protest must be dismissed without consideration of the issue on its merits.

Under our Bid Protest Procedures, protests must be filed with our Office within 10 working days after the basis for the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 20.2(b)(2) (1980). According to the record, Optic received notice of the Navy's adverse action on May 26, 1980. In order to have complied with the time requirements, Optic had to have filed its protest with this Office by June 9, 1980. The submission filed by Optic was dated June 27, 1980, and received in this Office on June 30, 1980.

Thus, Optic's protest is dismissed as untimely.

Milton J. Socolar

Milton J. Socolar
General Counsel

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