

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

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**FILE:** B-212065**DATE:** August 15, 1983**MATTER OF:** Gerard Chimney Company**DIGEST:**

Protest against cancellation of solicitation which is not received by GAO within 10 working days of when protester received notification that solicitation had been canceled is untimely and will not be considered on the merits.

Gerard Chimney Company (Gerard) protests the award of any contract under invitation for bids (IFB) No. 8350, issued by the Architect of the Capitol (Architect).

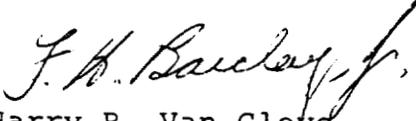
The protest is dismissed.

On January 11, 1983, the Architect issued IFB No. 8314 for services to inspect, clean and repair chimneys in the U.S. Capitol Power Plant. The low bid of R&P Industrial Chimney Co., Inc. (R&P), was rejected following a failure to prove a claimed mistake in its bid price. The Architect canceled the solicitation because Gerard's second low bid and all other bids were unreasonably high in price. Gerard was informed of this by letter dated April 6, 1983. On April 26, 1983, the Architect resolicited the required services under IFB No. 8350, and the May 18, 1983, bid opening showed that Gerard again was second to R&P's low bid.

Gerard protests the cancellation of IFB No. 8314 and claims that as the second low bidder under that solicitation, it should have received a contract award. Under our Bid Protest Procedures, Gerard was required to raise this allegation within 10 working days of when it knew that IFB No. 8314 had been canceled and the reasons. See 4 C.F.R. § 21.2(b)(2) (1983); Marmac Industries, Inc., B-203377.5, January 8, 1982, 82-1 CPD 22. Although the record does not show when Gerard received the April 6, 1983, letter notifying it that IFB No. 8314 had been canceled, it

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is reasonable to assume that this letter was received within 1 calendar week of April 6, 1983. See Travel Corporation of America, B-209368, November 22, 1982, 82-2 CPD 467. In any event, Gerard clearly knew its protest basis when it participated in the resolicitation. Thus, Gerard's protest, filed here on June 13, 1983, after bid opening on the resolicitation, is untimely, and we will not consider it on the merits.

*for*   
Harry R. Van Cleve  
Acting General Counsel