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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: CBMC, Inc.

File: B-295586

Date: January 6, 2005

Jerry Seymore for the protester.

Andrea Grill, Esq., Corporation for National and Community Service, for the agency.
Kenneth Kilgour, Esq., and Christine S. Melody, Esq., Office of the General Counsel,
participated in the preparation of the decision.

DIGEST

Protest is dismissed as untimely, where prospective contractors received constructive notice of the protested contract award when that award was posted on the FedBizOpps Internet site, and the protest was filed more than 10 days after the award posting.

DECISION

CBMC, Inc. protests the award of a contract to Graebel Movers by the Corporation for National and Community Service under solicitation No. HQKMR0507 for relocation and moving services for its AmeriCorps*NCCC Central Regional Campus.

We dismiss the protest as untimely because it was filed more than 10 calendar days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules for the timely submission of protests. These rules require that a protest based on other than alleged improprieties in a solicitation be filed, either with the agency or our Office, no later than 10 calendar days after the protester knew, or should have known, the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (2004). Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Peacock, Myers & Adams, B-279327, Mar. 24, 1998, 98-1 CPD ¶ 94 at 3-4.

According to the FedBizOpps Internet site, and as confirmed by the agency, notice of the contract award was posted on www.fedbizopps.gov on December 17, 2004.

Publication of the award at the FedBizOpps Internet site put prospective contractors, including CBMC, Inc., on constructive notice of the award on that date. See Specialty Marine, Inc., B-292053, May 19, 2003, 2003 CPD ¶ 106 at 2, recon. denied, B-292053.2, July 29, 2003, 2003 CPD ¶ 135. CBMC's protest had to be filed no later than close of business December 27 in order to be timely; a protest is considered "filed" on a particular day under our rules when it is received by our Office by 5:30 p.m. on that day, 4 C.F.R. § 21.0(g), and we did not receive CBMC's protest until after 9 p.m. on December 27. Therefore, CBMC's protest is untimely and will not be considered.

The protest is dismissed.

Anthony H. Gamboa
General Counsel