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DECISION



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

FILE: B-209741

DATE: February 17, 1983

MATTER OF: O.K. Lumber Company, Inc.

DIGEST:

A complaint concerning the award of a contract under a Federal grant is not filed within a reasonable time and thus is untimely where the complaint is filed 2 months after its bases are evident.

O.K. Lumber Company, Inc., complains concerning the award of a contract for lumber and supplies to Prairie Homes under solicitation No. IRHA No. 1 issued by the Interior Regional Housing Authority (IRHA), Fairbanks, Alaska. The contract is funded by a grant from the Department of the Interior. O.K. Lumber alleges that the IRHA improperly rejected its bid as nonresponsive.

We dismiss the complaint as untimely.

O.K. Lumber initially filed a post-award complaint with the IRHA on August 10, 1982. The IRHA denied that firm's complaint by letter dated August 13. A date stamp on that letter indicates that O.K. Lumber received it on August 16. O.K. Lumber then sent a detailed reply to the IRHA on August 20, challenging the IRHA's determination and requesting certain information. At the same time, O.K. Lumber wrote to the Department of the Interior and the Department of Housing and Urban Development in an effort to confirm the identity of the grant funds involved. On August 27, an official of the Bureau of Indian Affairs, Department of the Interior, confirmed that the agency was the grantor but noted that the bidding procedures used by the IRHA were set forth in Housing and Urban Development (HUD) Standards, Part II, Section I, entitled "Personal Property Procurement and Disposition Procedures." A date stamp on that reply indicates that O.K. Lumber received it on September 1. On November 1, O.K. Lumber again wrote to the IRHA, asserting that the agency had violated specific HUD regulations. O.K. Lumber then filed a complaint with this Office on November 4.

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We consider grant complaints pursuant to our public notice entitled "Review of Complaints Concerning Contracts Under Federal Grants," 40 Fed. Reg. 42406, September 12, 1975. We do so, however, only where the complaint has been filed within a reasonable time so that we can consider an issue while it is still practicable to recommend corrective action if warranted. Caravelle Industries, Inc., 60 Comp. Gen. 414 (1981), 81-1 CPD 317; Reliance Steel Products Company, B-206754, January 24, 1983, 83-1 CPD _____. Thus, where a complaint has initially been filed with the grantee we have held that a complaint must be filed here within a reasonable time after an adverse agency decision on the initial complaint if we are to consider it. Brumm Construction Company, 61 Comp. Gen. 6 (1981), 81-2 CPD 280. O.K. Lumber did not file its complaint with this Office until 2-1/2 months after that firm received the IRHA's denial of its initial complaint, which we do not believe constitutes a reasonable time. See Reliance Steel Products Company, supra.

Even if O.K. Lumber did not know the bases of its complaint until September 1, the date that firm received the Department of the Interior's letter, it still waited 2 months before filing a complaint based on the information in that letter. If our Bid Protest Procedures, which apply to direct Federal procurements, applied in this case, any request for review would have to have been filed within 10 working days after O.K. Lumber knew or should have known the bases of its complaint. While that 10-day rule is inapplicable here, we believe a complaint filed 2 months after its bases were known is not one that has been filed within a reasonable time. See Reliance Steel Products Company, supra. Therefore, the complaint is untimely and we will not consider it on the merits.

The complaint is dismissed.

Harry R. Van Cleve
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Acting General Counsel