



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: A-Supply Line, Inc.

File: B-230922

Date: April 8, 1988

DIGEST

1. Protest of cancellation of invitation for bids is untimely where filed more than 10 working days after basis for protest was known.
2. Protest of award to a lower bidder on the basis that the protester's low prices under an earlier solicitation that was canceled after bid opening were made available to the competitors has no merit, since bids are required to be opened publicly and the protester did not timely protest the cancellation.

DECISION

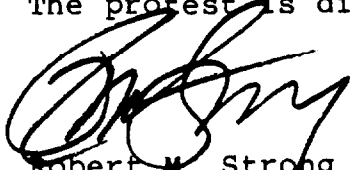
A-Supply Line, Inc., protests the cancellation after bid opening of Marine Corps invitation for bids (IFB) No. M62204-88-B-A005, and the award of a contract under a resolicitation of the requirement, IFB No. M62204-88-B-0003. A-Supply complains that it lost the resolicitation competition because its competitors were advised of A-Supply's low bid prices under the initial IFB, which A-Supply argues was unfair.

The protest of the cancellation is untimely. Our Bid Protest Regulations require that a protest of other than an apparent solicitation impropriety be filed within 10 working days after the basis for protest was or should have been known. 4 C.F.R. § 21.2(a)(2) (1987). A-Supply's protest filing is well outside of that time period.

Also, there is no legal merit to A-Supply's complaint that its bid prices were exposed in connection with the first solicitation, since bids are required to be opened publicly. See 10 U.S.C. § 2305(b)(3) (Supp. III 1985). A-Supply's protection against any adverse effect of the cancellation

would have been to protest, in a timely manner, that there was no compelling reason to cancel as required by Federal Acquisition Regulation § 14.404-1 (FAC 84-5), which governs IFB cancellations after bid opening.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', written over the typed name.

Robert M. Strong
Deputy Associate General Counsel