

Protest of )  
SERVICE AMERICA CORPORATION ) Date: December 15, 1987  
Solicitation No. 239990-87-B-0264 ) P.S. Protest No. 87-119

### DECISION

Service America Corporation (Service America) protests that it was not afforded an opportunity to compete on solicitation No. 239990-87-B-0264, and requested that the negotiations be re-opened. The basis for its protest was that it was not included on the "bidders' list", and did not receive a solicitation concerning the Food Service.

On July 13, 1987, solicitation No. 239990-87-B-0264, for the provision of food service for the Norfolk, Virginia, post office was issued by the Procurement & Materiel Management Service Office, Columbia, Maryland. Twenty solicitation packages were mailed to prospective offerors included on a list maintained by the office. A synopsis of the procurement was published in the Commerce Business Daily (CBD) on June 22, 1987. Proposals were received on September 1, 1987. Negotiations proceeded and "best and final" offers were to be submitted by October 27, 1987, at 2:00 p.m.

In its protest, Service America states that it received, on October 14, 1987, an Invitation for Bid for "satellite vending" at the Norfolk, Virginia, post office. On October 15, 1987, Service America inquired of the Procurement & Materiel Management Service Office why it had not received any information concerning the "Cafeteria Food Service" at that location. Service America was informed, in response to its inquiry, that it had not been included on the list of offerors, that the solicitation was sent out in July, and that offers were under review.

There is an initial question concerning the timeliness of the protest. Service America acknowledges that it found out about the solicitation no later than October 15, 1987. In order to be timely, its protest must have been received by the General Counsel or the contracting officer no later than ten working days after that date. The protest was not received until October 30, 1987, more than ten working days after the information upon which the protest is based was discovered.

The timeliness requirement imposed by the regulations is jurisdictional. We cannot consider the merits of any issue which has been untimely raised. Bessemer Products Corporation, P.S. Protest No. 86-5, March 26, 1986; Poveco, Inc., P.S. Protest No. 85-43, October 30, 1985. This office has no authority to waive or disregard untimeliness. Air Transport Association of America, P.S. Protest No. 84-29, May 17, 1984, aff'd on reconsideration, June 1, 1984-13.

The protest is dismissed as untimely.

William J. Jones  
Associate General Counsel  
Office of Contracts and Property Law

**[checked against original JLS 3/22/93]**