



included. If the final day of the designated period falls on a Saturday, Sunday, or a legal holiday for the state or federal government, then the period shall run to the end of the next business day.

In computing the final day to protest, the day the award was posted, June 29, 1994, is not included, thus the fifteen days begins with the next day, June 30, 1994. The fifteenth and final day is July 14, 1994, which is not a Saturday, Sunday or a legal holiday. Therefore, the final day to submit a protest to the CPO was July 14, 1994. The date on Vorec's protest letter is July 15, 1994, one day after the deadline. The Panel has previously determined, and long held, that the time to file a protest is jurisdictional and cannot be waived by conduct or consent of the parties. In re: Protest of Oakland Janitorial, Case No. 1988-13.

Vorec Corporation's letter does not dispute the posting date of the award notification, nor does it dispute the date of its letter of protest. There can be no conclusion, other than that Vorec Corporation's letter of protest is untimely filed and the CPO and Panel lack jurisdiction to consider the merits of the protest.

Vorec Corporation's appeal letter points to the fact it did not receive the Notification of Contract Award until July 5, 1994. This fact is irrelevant to the determination of timeliness under South Carolina Code Ann. Section 11-35-4210(1). The statute clearly states that the fifteen days are from the day of posting. Vorec Corporation also points to the language in the Notification of Contract Award stating the award becomes final on July 15, 1994. That same document, directly following the statement mentioned by Vorec Corporation, states that "bidders right to protest as listed in Section 11-35-4210 in the S. C. Consolidated Procurement Code applies to this solicitation." Vorec Corporation was put on notice of the Code section dealing with protest rights, which includes the applicable time limit. Even if Vorec Corporation had not been notified in writing, it is the duty of bidders and offerors to know the law under which they

are proceeding. The South Carolina Supreme Court, in Loyell v. C. A. Timbes, Inc., 263 S.C. 384, 210 S.E.2d 610 (1974), noted that ignorance of the requirement of filing within a certain time is not a legal excuse for failure to file within the required time.

Vorec Corporation's letter does not dispute the posting date of the award of notification, nor does it dispute the date of its letter of protest. There can be no conclusion, other than that Vorec Corporation's letter of protest is untimely filed and the CPO and Panel lack jurisdiction to consider the merits of the protest.

#### CONCLUSION

The Panel finds that Vorec Corporation's protest letter is clearly untimely filed under South Carolina Code Ann. Section 11-35-4210(1), therefore the Panel lacks jurisdiction to consider the merits of the protest. Vorec Corporation's protest is dismissed.

IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT  
REVIEW PANEL

  
\_\_\_\_\_  
Gus J. Roberts, Chairman

Columbia, S.C.

August 10, 1994.