

DECISION

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

60369

FILE: B-185541

DATE: January 8, 1976 099859

MATTER OF: Davho Company, Inc.

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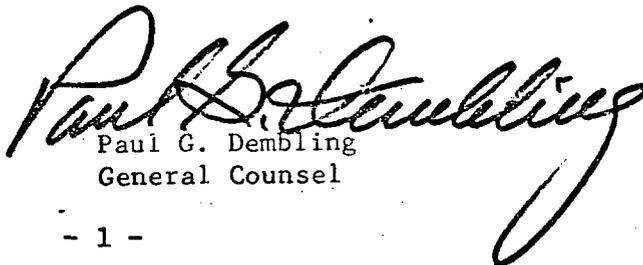
DIGEST:

Pursuant to Bid Protest Procedures, 40 Fed. Reg. 17979 (1975) § 20.2(a), protest filed with GAO more than 10 days after protester received notification of "adverse agency action" is untimely and cannot be considered on its merits.

In a letter to the Naval Facilities Engineering Command, Portsmouth Naval Shipyard, dated November 4, 1975, Davho Company, Inc. (Davho), protested the proposed award of a contract pursuant to invitation for bids N62472-76-C-1903 to Ron-Bet Company, Inc., Gateway Distributors Inc., Richard D. Dufresne & Son, Inc., Kenneth J. Herman, Inc., or H. W. MacKenzie because the above-mentioned concerns were allegedly ineligible for award under a small business set-aside.

By letter to Davho dated November 14, 1975, the Navy declined to consider Davho's protest because Davho "failed to provide specific detailed evidence" supporting its claim. Thereafter, by letter dated November 18, 1975, the Navy notified Davho of the award of a contract to Ron-Bet Company, Inc. Subsequently, Davho protested to our Office by letter dated December 12, 1975 (received December 16, 1975).

Our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), § 20:2(a), provide that when a protest is filed initially with the contracting agency, any subsequent protest to the General Accounting Office must be "filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action * * *." Since Davho's protest was received by GAO on December 16, 1975, more than 10 days after Davho received notification of "adverse agency action," it is untimely and cannot be considered on its merits.


Paul G. Dembling
General Counsel