

DECISION



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

FILE: B-190928

DATE: January 9, 1978

MATTER OF: Graphic Litho Corporation

DIGEST:

Protest filed more than 10 days after actual knowledge of initial adverse agency action is untimely and not for consideration. Furthermore, request to agency that protest be forwarded to GAO does not constitute filing in GAO even if timely.

By letter of December 15, 1977, Graphic Litho Corporation (Graphic) protests the determination by the Government Printing Office (GPO) that the firm is not a responsible bidder. Graphic submitted a bid for the printing of the Navy Technical Manual.

For the following reasons, we believe that Graphic's protest is untimely and not for consideration on the merits.

By letter dated September 7, 1977, GPO informed Graphic that the firm had been determined nonresponsible because Graphic had submitted "an unrealistic and unbalanced bid and * * * 'no charged' numerous items * * *." By letter of September 15, 1977, Graphic protested to GPO and attempted to explain the pricing and cost considerations that went into its bid. In a letter to Graphic dated September 30, 1977, GPO again rejected the firm's bid and determined that the firm was not a responsible bidder. By letter of October 3, 1977, Graphic disputed GPO's determination of nonresponsibility and requested that all of its correspondence with GPO "be forwarded to the General Accounting Office for adjudication."

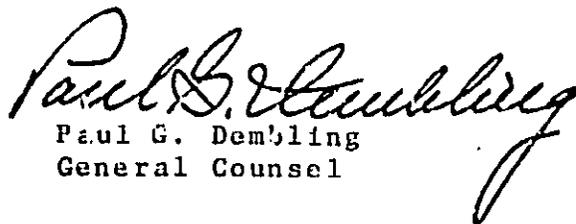
Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1977 ed.) provides in part that "If a protest has been filed initially with the contracting

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agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered * * *." (Emphasis supplied.) Since Graphic received notification of the agency's initial denial of its protest not later than October 3, 1977, its protest filed with our Office on December 19, 1977, is untimely. Energy Piping Systems, Inc., B-185573, January 29, 1976, 76-1 CPD 64. Even though GPO reaffirmed its position in a letter to Graphic dated December 12, 1977, Graphic's protest filed with our Office on December 19, 1977, is not a timely response to the initial denial of the protest by the agency on September 30. Although Graphic indicated in its letter to the agency dated October 3, 1977, that it wanted its protest forwarded to GAU, such request to the agency does not constitute the filing of a protest here. Energy Piping Systems, Inc., supra.

Accordingly, the protest is dismissed.


Paul G. Dembling
General Counsel