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R. Klemm  
Proc I

**DECISION**



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

**FILE: B-191807**

**DATE: June 8, 1978**

**MATTER OF:**

**Urban Laboratories, Inc.**

**DIGEST:**

Protest filed with our Office more than 10 days after receipt of contracting officer's letter denying protest is untimely under Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1977), and not for consideration on merits.

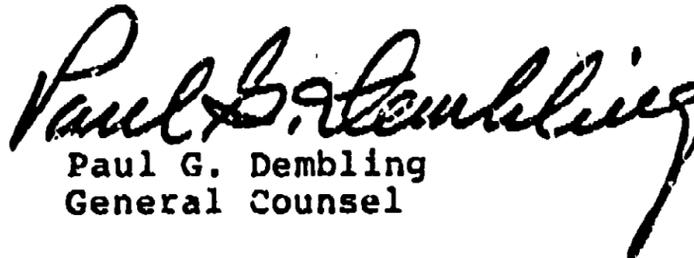
The Department of Agriculture issued invitation for bids 12-78-20 for the procurement of food services at the Siuslaw National Forest. After bid opening, Urban Laboratories, Inc. (ULI), filed a protest with the contracting officer contending, among other things, that there was a discrepancy between the low bidder's unit and total price, and the low bidder did not properly complete Standard Form 33. By letter dated February 3, 1978, the contracting officer denied the protest. ULI subsequently filed a protest with our Office on April 28, 1978.

Since ULI's protest to our Office was not filed within 10 days after actual knowledge of initial adverse agency action, i.e., receipt of the contracting officer's letter, its protest to our Office is untimely under our Bid Protest Procedures, specifically 4 C.F.R. § 20.2(a) (1977), and not for consideration on the merits. 4 C.F.R. § 20.2(a) (1977) provides in pertinent part as follows:

"(a) Protesters are urged to seek resolution of their complaints initially with the contracting agency. If a protest has been filed initially with the contracting 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 provided the initial protest to the agency was filed in accordance with the time limits prescribed in paragraph (b) of this section, unless the contracting agency imposes a more stringent time for filing, in which case the agency's time for filing will control."

Based on the foregoing, the protest is dismissed.

  
Paul G. Dembling  
General Counsel