

**DECISION**

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

7946

FILE: B-192474

DATE: SEP 27 1978

MATTER OF: Consolidated Maintenance Company

**DIGEST:**

Bid protest filed more than 10 days after formal notification of or actual or constructive knowledge of the initial adverse agency action is untimely and may not be considered under GAO Bid Protest Procedures.

Invitation for Bids (IFB) F32604-77-B-0038 was issued by Minot Air Force Base, North Dakota, on July 6, 1977, to provide custodial services to Minot AFB. The bids were opened on August 31, 1977, but no contract was awarded. The solicitation was cancelled on October 5, 1977, in accordance with Armed Services Procurement Regulations (ASPR) 2-404.1(b)(1), which provides that the IFB may be cancelled after opening but prior to award when a contracting officer determines that inadequate or ambiguous specifications were cited in the invitation.

New requirements were solicited under IFB F32604-78-B-0001, issued on November 3, 1977. Thirteen bids were received and opened on December 5, 1977. Although Consolidated was one of the responding bidders, it was not a low bidder. An award was made to the low responsive and responsible bidder on February 23, 1978. By letter of July 18, 1978, Consolidated filed a protest with our Office which was received on July 25, 1978. However, the latest adverse agency action took place on February 23, more than five months before the protest.

Section 20.2 of our Bid Protest Procedures, 4 C.F.R. 20.2, a copy of which was furnished to Consolidated under cover of our letter of August 8, 1978, B-192474, requires that a protest to an adverse agency action must be filed with our Office within 10 days of formal notification of or actual or constructive knowledge of the initial adverse agency action.

Since no protest was filed with our Office within the prescribed time our bid protest procedures preclude further consideration.

Accordingly, the protest is dismissed.

**PAUL G. DEMBLING**

Paul G. Dembling  
General Counsel