

DECISION



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

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FILE: B-192783

DATE: October 11, 1978

MATTER OF: Bish Contracting Company, Inc.

DIGEST:

1. Protest against award of contract to low bidder filed more than 10 days after formal notification of initial adverse agency action is untimely and not for consideration.
2. Compliance with contract requirements is matter of contract administration not for consideration under GAO Bid Protest Procedures.

Bish Contracting Company, Inc. (Bish), protests against the award of a contract under project D9-070, issued by the Department of Health, Education, and Welfare (HEW), to Thermo Contracting Corporation, the low bidder, and requests our Office to audit the contract closely.

Pursuant to section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), "if a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered."

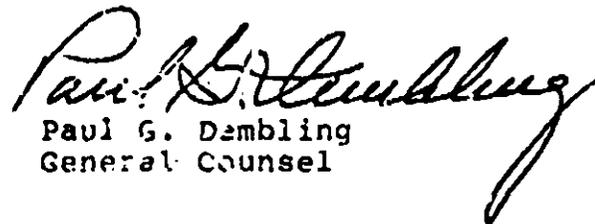
Bish initially protested to HEW by letter dated June 15, 1978. Bish was notified by letter dated August 1, 1978, that its protest had been rejected by HEW. Our Office did not receive Bish's subsequent protest until August 31, 1978, which is more than 10 days after formal notification of initial adverse agency action. Therefore, the protest is untimely and not for consideration.

With respect to the request that our Office audit the contract closely, whether a contractor is complying with contract requirements is a matter of contract

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administration and not for consideration under our Bid
Protest Procedures. See Robert Burger Associates,
Inc., B-128450, June 1, 1977, 77-1 CPD 378.


Paul G. Dambling
General Counsel