

*Roberto
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DECISION



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

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FILE: B-192442

DATE: October 11, 1978

MATTER OF: Scan-Data Corporation

DIGEST:

Protest filed with GAO more than 10 working days after receipt of initial adverse agency action is untimely and not for consideration on the merits.

Scan-Data Corporation (Scan-Data) contends that the U.S. Department of Commerce (Commerce) improperly evaluated and rejected its proposal under solicitation No. RFP-6-3556.

The contract in question was awarded on April 29, 1978. Scan-Data became aware of its protest bases regarding the Commerce evaluation process during a debriefing conference held on May 10. Subsequently, Scan-Data filed a timely contracting agency protest to Commerce by letter dated May 16. A June 1 letter from Commerce responded to Scan-Data by rebutting each of the protest allegations. Scan-Data appealed to Commerce by letter dated June 26.

Although an information copy of the June 26 appeal to Commerce was provided to this Office, our review was not requested in the matter until Scan-Data filed a protest with the Comptroller General on July 21. Our Bid Protest Procedures at 4 C.F.R. § 20.2(a) (1977) provide that once a protest has been timely filed with the contracting agency, any subsequent protest to the Comptroller General must be filed within 10 working days of knowledge of any initial adverse action by the contracting agency regarding the protest.

We view the Commerce letter of June 1 as the initial adverse agency action. Consequently, Scan-Data's delay in filing its protest with our Office until July 21 renders the protest untimely and not for consideration on the merits.

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Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel