

DOCUMENT RESUME

08140 - [C3428556]

[Untimely Protest Alleging That Bid Did Not Meet Specification Requirements]. B-193512. December 6, 1978. 2 pp.

Decision re: Instruments SA, Inc.; by Milton J. Soclar, General Counsel.

Contact: Office of the General Counsel; Procurement Law I.
Organization Concerned: Bureau of Mines; Applied Research Labs.
Authority: 4 C.F.R. 20. B-192247 (1978).

A protester alleged that the awardee of a contract did not offer an item meeting specification requirements. The protest was dismissed as untimely since it was received more than 10 days after receipt by the protester of notice of initial adverse action on a protest filed with the agency. (HTW)

DECISION



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

FILE: B-193512

DATE: December 6, 1978

MATTER OF: Instruments SA, Inc.

DIGEST:

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

Instruments SA, Inc. (Instruments) protests the award of a contract to Applied Research Laboratories under invitation for bids (IFB) No. S0281046, issued by the United States Department of the Interior (Interior), Bureau of Mines for the provision and installation of an Inductively-Coupled Plasma Spectrometer. Instruments alleges the winning bid did not offer an item meeting the specification requirements.

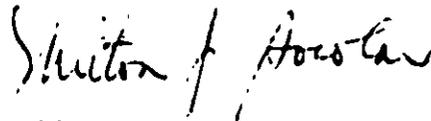
Instruments initially protested to Interior by letter of October 9, 1978. Interior's response, dated October 16, 1978, denied the protest. Instruments, by letter to Interior dated November 10, 1978, disagreed with Interior's position. By letter dated November 15, 1978, Instruments protested the matter to this Office.

Section 20.2 of our Bid Protest Procedures, 4 C.F.R. § 20.2 (1978), states in pertinent part:

"* * * If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 [working] days of [a protester's] * * * initial adverse agency action will be considered."

Since Instruments received notice of Interior's denial of its protest in mid-October, its protest dated November 15, 1978 and filed here on November 17 is untimely. Maryland T Corporation, B-192247, July 19, 1978, 78-2 CPD 52.

Accordingly, the protest is not for consideration on the merits.



Milton J. Socoiar
General Counsel