

DECISION



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

10,590

FILE: B-194979

DATE: June 27, 1979

MATTER OF: Central Air Service

[Untimely Protest of Bid Rejection]

DIGEST:

Protest filed with agency more than 10 days after basis of protest is known and with GAO more than 10 days after notification of initial adverse agency action is untimely and not for consideration.

Dk 01946
Central Air Service (Central) protests the rejection of its bid as nonresponsive by the Department of Agriculture under invitation for bids No. 49-79-01. *ACC00042*

The contracting officer informed Central by telegram dated February 2, 1979 that its bid was rejected as non-responsive. Central protested to the agency by letter dated March 1. The agency denied the protest by letter of April 23. On May 25 Central filed a subsequent protest with this Office.

For the following reasons, Central's protest is untimely under our Bid Protest Procedures, 4 C.F.R. Part 20 (1978).

A protest must be filed within 10 days after the basis for protest is known. 4 C.F.R. § 20.2(b)(2). In addition, if a protest was filed initially with the contracting agency, any subsequent protest to our Office must be filed within 10 days of formal notification of adverse agency action, provided the initial protest to the agency was timely filed. 4 C.F.R. § 20.2(a).

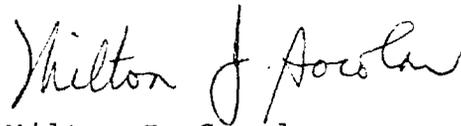
Since the February 2 telegram informed Central of the basis of the protest and Central did not protest to the agency until March 1, the initial protest to the agency

*Untimely Bid Protest
Bidder response*

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appears to be untimely and not for consideration on its merits. Furthermore, since the April 23 letter provided notice of the initial adverse agency action (denial of the protest to the agency), it appears that the protest to our Office filed more than a month later is also untimely under 4 C.F.R. § 20.2(a).

The protest is dismissed.

A handwritten signature in cursive script that reads "Milton J. Socolar". The signature is written in dark ink and is positioned above the typed name and title.

Milton J. Socolar
General Counsel