

DECISION



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

10,946

FILE: B-195522

DATE: August 6, 1979

MATTER OF:

Allied Resources, Inc. *PLG 02524*

[Untimely Protest Alleging Low Bidder Was Nonresponsive]
DIGEST:

Protest filed with GAO more than 10 days after notification of denial of protest to agency is untimely and not for consideration.

^D Allied Resources, Inc. (ARI) protests the award of contract No. F 34650-79-BM010 by the Department of the Air Force (Air Force) for audiovisual services at Tinker Air Force Base, Oklahoma. We must reject the protest because it was not timely filed with this Office. *AGC 00153*

PLG 02525
ARI protests that Burke Enterprises (Burke), the low bidder for the contract, is nonresponsive. A similar protest was initially filed with the Air Force when Burke underbid ARI for the contract at Tinker Air Force Base by 26 percent. ARI argued to the Air Force that Burke was neither a responsive nor a responsible bidder and in a letter dated June 26, 1979, the Air Force denied ARI's protest.

Our Bid Protest Procedures provide that:

"If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered * * *." 4 C.F.R. 20.2(a) (1979).

Because ARI's protest was filed with (received by) our Office nearly one month after the date of the Air Force's letter rejecting ARI's protest, we must conclude that the protest to this Office was not filed within 10 days

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after ARI's receipt of the agency's denial. The protest, therefore, is untimely and will not be considered. See Wiltron Company, B-194194, March 12, 1979, 79-1 CPD 173.

The protest is dismissed.

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar
General Counsel