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DECISION

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

FILE: B-197450

DATE: February 7, 1980

MATTER OF: Professional Computer Services *DL903871*

DIGEST:

Protest filed initially with contracting agency and not filed with GAO within 10 days of protester's knowledge of initial adverse agency action (bid opening) on protest is untimely.

AGC02006

Professional Computer Services (PCS) protests the award by the Department of the Interior, Bureau of Indian Affairs (BIA) of a contract under solicitation No. FAO-K01-80-3284. We dismiss the protest as untimely.

PCS ^{alleges} ~~various~~ deficiencies in the bid specifications. Although PCS initially filed a timely protest with BIA, the agency opened bids as scheduled on December 11, 1979, without satisfying all of PCS's concerns. Under our Bid Protest Procedures, when a protest is initially filed with the contracting agency, any subsequent protest to our Office must be filed within 10 days of the protester's knowledge of initial adverse agency action on its protest. 4 C.F.R. § 20.2(a)(1979). The opening of bids on December 11, 1979 without the requested modification of the solicitation constituted adverse agency action. 4 C.F.R. § 20.0(b); Picker Corporation; Ohio-Nuclear Inc., B-192565, January 19, 1979, 79-1 CPD 31. We did not receive the PCS protest until January 15, 1980, which is obviously beyond the 10-day time constraint established by 4 C.F.R. § 20.2(a).

Accordingly, the protest is untimely and is dismissed.

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Milton J. Socolar

Milton J. Socolar
General Counsel

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