

MARIS

14346

DECISION



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

[Untimely Protest of Sole-Source Award]

FILE: B-199151

DATE: July 17, 1980

MATTER OF: Nicolet Biomedical

DIGEST:

Protest filed with GAO more than 10 days after protester learns of initial adverse agency action on protest filed with agency is dismissed as untimely.

Nicolet Biomedical protests the award of a contract by the Veterans Administration (VA) Hospital in Salt Lake City, Utah. We dismiss the protest as untimely.

Nicolet initially filed a protest against the award under request for quotation No. 660-10-80 with the VA on January 7, 1980. Although the VA responded to the protest by letter of May 15, stating that the award would be made sole-source as originally intended, the protest to our Office was not filed until June 9, 1980. Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. Part 20 (1980), requires that if a protest has been filed initially with the contracting agency, any subsequent protest to our Office must be filed within 10 working days after notification of initial adverse agency action. It is apparent that Nicolet's protest to our Office was not filed within that period.

Accordingly, the protest is untimely and is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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