

DECISION



Mr Cooper
15403 PLII
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Untimely Protest of Air Force Contract Award]

FILE: B-201048

DATE: November 12, 1980

MATTER OF: Adams Bros. Interiors

DIGEST:

Protest filed initially with contracting agency but not filed with GAO within 10 days of protester's learning of agency's denial of protest is untimely and not for consideration under GAO Bid Protest Procedures.

Adams Bros. Interiors protests the award of a contract by the Department of the Air Force under solicitation No. F34650-80-B-0161 to Transco Contract Company.

Adams was the apparent low bidder on an earlier solicitation. Due to an error in the solicitation, however, no award was made and the requirements were resolicited under the solicitation which is the subject of this protest. Transco was the low bidder on the later solicitation. Adams contends that an award should have been made under the initial solicitation notwithstanding the error in the solicitation, and that readvertisement is contrary to the integrity of the competitive bidding system.

Adams appears to have timely protested the cancellation and resolicitation to the Air Force on September 23, 1980. The Air Force denied the protest by letter dated October 1, 1980 and appears to have been received by Adams on October 6, 1980. Adams then protested to our Office by letter which was received by us on October 28, 1980.

Our Bid Protest Procedures provide that:

~~012805~~ 113734

" * * * (If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of notification * * * or * * * knowledge of initial adverse agency action will be considered) * * * ." 4 C.F.R. §20.2 (1980).

The protest was filed here more than 10 working days after Adams learned of the agency's denial of its protest. Accordingly, the protest filed here is untimely and not for consideration.

The protest is dismissed.

Harry R. Van Cline
for Milton J. Socolar
General Counsel