

*Atty General*

15962

**DECISION**



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

FILE: B-201575  
B-201576

*DLG 05911*

DATE: January 27, 1981

MATTER OF: Dutton & Associates P.C.

*[Protest of SBA Contract Award]*  
DIGEST:

Protest filed with GAO more than 10 days after initial adverse agency action on protest to agency is untimely.

Dutton & Associates P.C. (Dutton) protests the award of contract No. SBA-7(j)-MSB-80-47 and contract No. SBA-7(j)-MSB-80-48 under solicitations issued by the Small Business Administration (SBA). Dutton contends that in order for performance under these contracts to be successful, they must be performed by a contractor located in the SBA district for which the services are being rendered.

Prior to filing a protest with our Office, Dutton protested to the SEA. By letter dated October 31, 1980, the SBA denied Dutton's protest.

Dutton's protest to our Office is untimely. Our Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1980), require that if a protest is initially filed with the contracting agency in a timely manner, in order for any subsequent protest to our Office to be timely, it must be filed within 10 days of initial adverse agency action on the protest filed with the agency. Dutton's protest letter, which encloses a copy of the SBA's October 31, 1980, denial letter, to our Office is dated November 13, 1980. However, we did not receive Dutton's protest until December 17, 1980, well beyond the 10-day time constraint established by 4 C.F.R. § 20.2(a).

The protest is dismissed.

*Milton J. Socolar*

Milton J. Socolar  
General Counsel

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