

*Has further*

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**DECISION**



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

*[Untimely Protest of Navy Contract Award]*

FILE: B-202171

DATE: March 4, 1981

MATTER OF: TSI Incorporated

*DLG06231* ✓

**DIGEST:**

Protest filed with GAO more than 10 working days after same protest filed with contracting agency was denied by contracting officer is untimely filed and not for consideration.

TSI Incorporated (TSI) protested the award of Naval Research Laboratory contract No. N00173-80-C-0567 by letter of October 15, 1980, to the contracting agency. This protest was supplemented by a TSI letter of November 25. By letter of January 7, 1981, the contracting officer advised TSI that the award had been properly made and that its protest was, therefore, denied. This denial letter, sent by certified mail-return receipt requested, was received, we are advised, by TSI on January 13. We received the TSI protest letter to our Office on February 17.

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It is provided in our Bid Protest Procedures at 4 C.F.R. § 20.2(a) (1980) that in order for our Office to consider a protest that has been initially filed with the contracting agency, the protest must be filed with our Office within 10 working days after the protester has "formal notification of or actual or constructive knowledge of initial adverse agency action."

Since it is apparent that the instant protest was received by (filed with) our Office more than 10 working days after TSI had been notified by the contracting agency that its protest had been denied, we must decline to consider the protest, and it is dismissed.

*Harry D. Van Cleave*  
Milton J. Socolar  
For General Counsel

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