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**DECISION**



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

FILE: B-204786

DATE: October 5, 1981

MATTER OF: Irvin Industries, Inc.

**DIGEST:**

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

Irvin Industries, Inc. (Irvin), protests the award of a contract to Conrad Co. under Department of the Air Force solicitation No. F41608-81-R-B037. Irvin initially filed a protest with the Air Force and we find Irvin's subsequent protest to our Office to be untimely.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(a) (1981), require that, if a protest is initially filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days of notification of the initial adverse agency action on the protest. Irvin states that it received the Air Force's decision on its protest on August 18, 1981. Irvin's protest to our Office is dated September 14, 1981, and was received September 15, 1981. This is beyond the 10-day limit prescribed by 4 C.F.R. § 21.2(a) (1981). Therefore, the protest is not for consideration by our Office. Domar Buckle Mfg. Corp., B-202901, May 21, 1981, 81-1 CPD 401.

The fact that Irvin requested reconsideration of the Air Force's denial within 10 working days after it received the decision and that the Air Force did not respond to this request until September 4, 1981, does not affect our conclusion. Irvin was obliged to file its protest within 10 days after initial adverse agency action. Rowe Industries, B-185520, January 8, 1976, 76-1 CPD 13.

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Protest dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel