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DECISION



20058
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-205386

DATE: November 19, 1981

MATTER OF: Case-Whitcombe Logging Company

DIGEST:

Protest filed with GAO more than 10 working days after the protest was denied by the contracting agency is untimely and will not be considered on the merits.

Case-Whitcombe Logging Company (C-W) protests the award of a contract to Spring Valley Logging Company under Forest Service, Department of Agriculture, solicitation No. 2400-14. C-W initially filed a protest with the Forest Service and we find C-W'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" (received) within 10 working days of notification of initial adverse agency action on the protest. The Forest Service denied C-W's protest by letter dated October 6, 1981, which was sent from Petersburg, Alaska, to C-W's office in Wrangell, Alaska. Since C-W's protest to our Office is dated October 28, 1981, and was received on November 2, 1981, a total of 18 working days from when the initial adverse agency action was transmitted, it is presumed to be 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. A/C Pipe, Inc., B-204530, September 8, 1981, 81-2 CPD 204.

Protest dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel