

**DECISION**

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

FILE: B-207432

DATE: May 24, 1982

MATTER OF: Wright Waste Removal Co., Inc.

**DIGEST:**

Protest that was not filed with GAO within 10 working days after the protester knew or should have known of contracting officer's initial adverse action regarding protest filed with the agency is untimely.

Wright Waste Removal Co., Inc. protests award of a refuse collection contract under Department of the Army invitation for bids (IFB) DAKF27-82-B-0046. Essentially, Wright contends that it should have received award because each of five lower-priced bids was unreasonably low in price, which Wright believes makes each of them nonresponsive.

We dismiss the protest.

Wright filed its protest initially with the contracting agency, and thus under section 21.2(a) of our Bid Protest Procedures was required to file its protest with our Office within 10 working days after it first knew or should have known of initial adverse action by that agency with respect to the protest. 4 C.F.R. § 21.2(a)(1981). Wright's protest was filed here on May 10, 1982, more than 10 working days after Wright, on April 22, received a letter in which the Army advised that it had examined the responsiveness and responsibility (the ability of a bidder to perform at the bid price is a matter of responsibility) of the firms bidding lower prices, and that Wright's protest lacked merit. After receiving the letter, Wright attempted to pursue the matter further within the Army; by doing so, however, it allowed the time within which to protest to our Office to elapse.

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The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel