

## DECISION



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

FILE: B-207353

DATE: June 9, 1982

MATTER OF: Edron, Inc.

## DIGEST:

When protest is initially filed with contracting agency, subsequent protest filed with GAO more than 10 working days after initial adverse agency action, denial of protest, is untimely and will not be considered on the merits.

Edron, Inc. (Edron), protests the decision of the Defense Personnel Support Center (DPSC) to award solicitation No. DLA120-82-R-0789, a contract for foam rubber, to another firm. Edron alleges that several improprieties occurred in the procurement process, which had the effect of prejudicing its offer. We will not consider the merits of the protest because it is untimely.

Edron received a "notice to unsuccessful offerors" on March 22, 1982. On that day, Edron initiated a protest with the DPSC in the form of a telecon and a written letter. On April 12, 1982, Edron received a reply to its protest to the agency. We received Edron's protest on May 3, 1982.

Section 21.2(a) of our Bid Protest Procedures, 4 C.F.R. part 21 (1981), requires that when a protest is initially filed with the contracting agency, a subsequent protest to our Office must be filed within 10 working days of knowledge of the initial agency action. See Ram Enterprises, Inc., B-203768, July 7, 1981, 81-2 CPD 18. Edron's receipt of a denial of its protest filed with DPSC constituted knowledge of adverse agency action. Therefore, Edron's protest is untimely because the last day for filing its protest was April 26, 1982. Although Edron's letter is postmarked April 26, it is nevertheless untimely because, for purposes of our Procedures, "filed" means receipt by our Office. 4 C.F.R. § 21.2(b)(3).

Accordingly, the protest is dismissed.

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



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-207353

June 9, 1982

The Honorable Barry M. Goldwater, Jr.  
House of Representatives

Dear Mr. Goldwater:

We refer to your interest in the protest of Edron, Inc., concerning the award of a contract under solicitation No. DLA120-82-R-0789 issued by the Defense Personnel Support Center.

By decision of today, copy enclosed, the protest has been dismissed.

Sincerely yours,

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

Enclosure