

DECISION

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**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20549

Shipman
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FILE: B-209762**DATE:** November 22, 1982**MATTER OF:** Standard Medical Equipment Incorporated**DIGEST:**

Protest not received in the General Accounting Office within 10 days after the protester was notified by the contracting officer of the denial of the protest initially filed with the contracting agency is untimely under section 21.2(a) of the Bid Protest Procedures and will not be considered.

Standard Medical Equipment Incorporated (SMEI) protests the rejection of its offer under request for proposals (RFP) 512-31-83 issued by the Veterans Administration (VA).

We dismiss the protest.

The offer of SMEI was rejected by the VA because of the failure of SMEI to acknowledge an RFP amendment. SMEI protested to the VA. By letter of October 4, 1982, the contracting officer sustained the rejection. By letter of October 6, 1982, SMEI appealed the decision of the contracting officer to a higher authority in the VA. The decision was sustained and SMEI filed a protest with our Office which was received on November 8, 1982.

Section 21.2(a) of the Bid Protest Procedures, 4 C.F.R. § 21.2(a) (1982), provides that, if a protest is initially filed with the contracting agency, any subsequent protest must be received in our Office within 10 days of formal notification of or actual or constructive knowledge of the initial adverse agency action.

The initial adverse agency action on the protest was the decision of October 4, 1982. SMEI had notification or knowledge of this action by October 6, 1982, the date of its

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appeal of the decision to a higher authority in the VA. Since the protest of SMEI was not received in our Office until November 8, more than a month after knowledge of the initial adverse agency action, the protest is untimely and will not be considered. HCS, Inc., B-204960.2, March 23, 1982, 82-1 CPD 275, affirmed, HCS, Inc.--Reconsideration, B-204960.3, April 26, 1982, 82-1 CPD 379.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel