

Roberts
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DECISION



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

FILE: B-210807

DATE: March 7, 1983

MATTER OF: A-E Systems Management, Inc.

DIGEST:

Protest filed with GAO more than 10 working days after receipt of initial adverse agency action on a protest to the agency is untimely and will not be considered.

A-E Systems Management, Inc., protests the award of a contract to any other firm under solicitation No. CPSC-P-82-1234 issued by the Consumer Product Safety Commission (CPSC). A-E contends that CPSC's rejection of its proposal was invalid because it offered the lowest price and, in A-E Systems' view, was fully responsive to the solicitation.

We dismiss the protest as untimely filed.

The contract in question was awarded on September 30, 1982. A-E Systems became aware of this award when CPSC notified unsuccessful offerors on October 15. On October 19, A-E Systems filed a protest with CPSC. An October 27 letter from CPSC responded adversely to A-E Systems' agency protest, and outlined the specific reasons why A-E Systems' proposal was rejected. A-E systems made several appeals to CPSC, including a December 27 letter to which CPSC responded on January 20, 1983. The protest to GAO was filed on February 16, 1983.

Our Bid Protest Procedures at 4 C.F.R. § 21.2(a) (1982) provide that once a protest has been timely filed with the contracting agency, any subsequent protest to the Comptroller General must be filed within 10 working days of actual or constructive knowledge of initial adverse action regarding the protest.

CPSC's October 27 response to A-E Systems' agency protest is the initial adverse agency action. Consequently, A-E Systems' delay in filing its protest with our Office until February 16 renders the protest untimely.

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The protest is dismissed.

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