

DECISION

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

24987

FILE: B-211505**DATE:** April 26, 1983**MATTER OF:** Denver East Machinery Company**DIGEST:**

Protest filed with GAO more than 10 days after the protester receives notice of adverse agency action on protest initially filed with agency is untimely and will not be considered.

Denver East Machinery Company (DEMC) protests the Department of the Interior's award of a contract under solicitation No. 1520-3-0002 for a four-wheel, pneumatic tired, scoop type loader to Frontier Tractor & Equipment, Inc. We dismiss the protest as untimely.

On March 14, 1983, DEMC protested the award to the Department of the Interior. The agency denied the protest by letter of March 21, 1983. DEMC's submission indicates that it received the agency's response by March 22, but continued to pursue the matter with the agency. We received DEMC's protest on April 15.

Section 21.2(a) of our Bid Protest Procedures, 4 C.F.R. § 21.2(a) (1983), requires that when a protest is filed initially with the contracting agency, a protest to this Office must be filed within 10 days of the protester's knowledge of initial adverse agency action on the protest. Thus, DEMC was required to protest here within 10 days of its receipt of the March 21 letter. Since it did not do so until April 15, 1983, more than 10 days after it received the letter, the protest here is untimely. See Rockwell International, B-207726, July 1, 1982, 82-2 CPD 9.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel

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