

**DECISION**

25068  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-211300

DATE: May 9, 1983

MATTER OF: Philips Ultrasound, Inc.

**DIGEST:**

Protest filed with GAO more than 10 working days after protester learns of initial adverse agency action on protest filed with agency is dismissed as untimely.

Philips Ultrasound, Inc. (Philips), protests that its offer under solicitation No. DAKF-24-82-R-0036 for a diagnostic ultrasound system for Fort Polk should not have been rejected by the contracting officer.

We dismiss the protest as untimely.

The documents submitted by Philips indicate that Philips protested the rejection to the contracting agency and that the contracting officer denied the protest by a letter Philips received on February 9, 1983. The protest to our Office is dated March 22, 1983, and was received on March 31, 1983.

Under our Bid Protest Procedures, when a protest is filed initially with the contracting agency, any subsequent protest to our Office will be considered if filed within 10 working days from notification of or actual or constructive knowledge of adverse agency action on the protest. 4 C.F.R. § 21.2(a) (1983). Since the protest to our Office was filed more than 10 working days after Philips received the letter from the contracting officer denying its protest, it is untimely. Cannon Division of ITT Corp., B-208575, November 1, 1982, 82-2 CPD 393.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

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