

**DECISION**

20117  
7/11/83

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

**FILE:** B-211032**DATE:** June 2, 1983**MATTER OF:** Building and Construction Trades  
Department, AFL-CIO**DIGEST:**

Protest against use of Service Contract Act wage determination in option exercised under contract is untimely because it was not filed with GAO more than 10 working days after notification by contracting officer of initial adverse action on protest filed with contracting agency.

The Building and Construction Trades Department, AFL-CIO, protests on behalf of the Building and Construction Trades Council of Monterey County, California, against the use of a Service Contract Act, 41 U.S.C. § 351, et seq. (1976), wage determination in the 1-year option exercised under contract No. DAKF03-82-D-0533 issued by the Department of the Army (Army) for maintenance and repair of family housing at Fort Ord and the Presidio of Monterey, California.

We dismiss the protest.

Our Bid Protest Procedures require that protests initially filed with the contracting agency be filed with our Office within 10 working days of actual or constructive knowledge of initial adverse agency action. 4 C.F.R. § 21.2 (1983). By letter dated January 7, 1983, the protester filed a protest with the Army. This protest was denied by the contracting officer's letter of February 14, 1983, which was received by the protester on February 18, 1983. The protest lodged with our Office was not received until March 8, 1983, more than 10 working days after the protester was notified of the initial adverse agency action. Therefore, the protest is untimely and will not be considered on the merits. S/S&W Landscape Maintenance, B-209964, December 22, 1982, 82-2 CPD 569.

*J. H. Bawley Jr.*  
Harry R. Van Cleve  
Acting General Counsel

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