

DECISION

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

body

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FILE: B-212622; B-212638;
B-212638.2; B-212638.3 **DATE:** August 25, 1983

MATTER OF: Vynasteel Corporation

DIGEST:

Protests filed with GAO more than 10 working days after firm learned that its protests to the contracting agency were denied are untimely and not for consideration on the merits.

Vynasteel Corporation protests the inclusion of an allegedly restrictive specification in the following solicitations issued by the Department of the Air Force for the replacement of steel siding: invitation for bids (IFB) Nos. F24604-83-B-0022, F24604-83-B-0024 and F24604-83-B-0039, for work at Malmstrom Air Force Base, and F23606-83-B-0042, for work at Whiteman Air Force Base. Vynasteel contends that the specification for the siding is unduly restrictive due to a requirement that the cut edges, weepholes, nail slots and side slots of the siding panels be painted with primer before being coated with vinyl. Vynasteel claims this priming process is outmoded and should be deleted since only one manufacturer can furnish siding prepared in this manner. We dismiss the protests as untimely.

Vynasteel initially filed these protests with the Air Force. The Air Force denied the three protests at Malmstrom by letters received by Vynasteel on July 15, 1983. It denied the Whiteman protest in a letter Vynasteel received on July 19. Upon receiving these denials, Vynasteel refiled the protests with the Air Force, disagreeing with the bases for denial.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(a) (1983), state that if a protest is initially filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days after notification of the initial adverse agency action on the protest. Vynasteel indicates it learned of the denial of its protests--the initial adverse agency action--on July 15 and July 19, more than 10 days prior to receipt of its protests in our Office on August 5. These protests therefore are untimely and will not be considered on the

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B-212622; B-212638; B-212638.2; B-212638.3

merits. See Vynasteel Corporation, B-212393, July 29, 1983, 83-2 CPD _____; Robert E. Robocker, B-207279, May 10, 1982, 82-1 CPD 450.

The protests are dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel