

DECISION

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

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FILE: B-212985**DATE:** September 26, 1983**MATTER OF:** Logistics and Supply Company**DIGEST:**

Protest filed with GAO more than 10 working days after protester learns of initial adverse agency action (affirmation of negative determination of protester's responsibility) on protest to agency is dismissed as untimely.

Logistics and Supply Company (L&S) protests the determination of the Department of State, United States Embassy, Kinshasa, Zaire (State), that L&S's low bid for sentinel services should be rejected because it is unreasonably low.

The protest is untimely.

Under our Bid Protest Procedures, a protester has 10 working days after initial adverse agency action on its protest filed with the contracting agency to file a protest with our Office. 4 C.F.R. § 21.2(a) (1983). Adverse agency action is defined as any action or inaction which is prejudicial to the position taken in a protest filed with an agency. 4 C.F.R. § 21.0(b) (1983).

By letter dated June 22, 1983, State advised L&S of the rejection of its low bid. On June 27, 1983, L&S protested the rejection to the United States Ambassador. By letter dated July 12, 1983, State explained the basis for its rejection of the low L&S bid and, in effect, denied L&S's protest. We received L&S's subsequent protest on September 9, 1983, well beyond the 10-day limit of 4 C.F.R. § 21.2(a). Therefore, the protest is untimely and will not be considered.

We note that L&S's protest to our Office indicates that L&S lacks access to our Bid Protest Procedures. However, our Bid Protest Procedures, 4 C.F.R. part 21 (1983), are published in the Federal

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Register and Code of Federal Regulations, and protesters therefore are charged with constructive notice of their contents. Peter A. Tomaino, Inc--Request for Reconsideration, B-208167.2, January 10, 1983, 83-1 CPD 19.

Accordingly, we dismiss the protest.

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