

**DECISION**



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

**FILE:** B-215051

**DATE:** May 23, 1984

**MATTER OF:** Pulau Electronics Corporation

**DIGEST:**

Protest filed with GAO more than 10 working days after the protester learns of initial adverse agency action on its earlier protest filed with the contracting agency is untimely and will not be considered on the merits.

Pulau Electronics Corporation (Pulau) protests the failure of the United States Air Force to extend the closing date for receipt of proposals and award the specifications under request for proposals (RFP) No. FD204083-50079-Old for a power supply (type B-9) for McClellan Air Force Base, California. Pulau initially protested to the agency.

We find the protest to be untimely under our Bid Protest Procedures (4 C.F.R. part 21 (1983)). Section 21.2(a) provides that where a protest has been filed initially with the contracting agency, any subsequent protest to this Office must be filed within 10 working days of actual knowledge of initial adverse agency action on the original protest. Section 21.2(b)(3) defines the term "filed" as receipt in GAO. Here, Pulau received notice on April 9, 1984, that its agency protest was denied. Pulau filed its protest with our Office on April 26, 1984, which is more than 10 working days later, and, therefore, its protest here is untimely. See Nu-Way Inc., B-213662, January 23, 1984, 84-1 CPD 101.

We dismiss the protest.

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

028970