

DECISION

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

FILE: B-220918 **DATE:** October 31, 1985
MATTER OF: Progressive Surveillance Systems Corp.

DIGEST:

Protest to GAO filed more than 10 working days after the firm received the contracting agency's denial of an initial protest at that level is dismissed as untimely.

Progressive Surveillance Systems Corp. (PSS) protests the issuance of amendment 0008 to Department of the Navy request for proposals No. N00244-84-R-4767 to provide technical support associated with the test, evaluation, repair and documentation of navigational equipment. PSS states that the amendment relaxed the requirements prospective offerors had to meet and complains that, based on information PSS asserts it received recently, this may have been done for the sole benefit of the firm that ultimately was awarded the contract.

We dismiss the protest as untimely.

PSS initially protested the matter to the Navy by letter of September 13, 1985. The agency denied the protest by letter of September 20, which the record shows PSS received by October 1. PSS protested to our Office on October 28.

Our Bid Protest Regulations provide that where a protest first has been filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days after the firm learns of the agency's initial adverse action on the protest at that level. 4 C.F.R. § 21.2(a)(3) (1985). Since PSS's October 28 protest was not filed with our Office within that timeframe, it is untimely and will not be considered on the merits.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong".

Robert M. Strong
Deputy Associate General Counsel

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