

Boston



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Transmission Structures Limited
File: B-230855
Date: April 8, 1988

DIGEST

Protest is untimely when it is filed with the General Accounting Office more than 10 days after the initial adverse agency action on the protest to the agency.

DECISION

Transmission Structures Limited (TSL) protests the procurement of RCL towers under solicitation No. DTFA09-88-B-20518 issued by the Federal Aviation Administration (FAA). TSL states the FAA should procure the towers under TSL's contract with the Department of Transportation. TSL also alleges that the towers to be procured in the protested solicitation are obsolete, expensive and inefficient.

We dismiss the protest.

The protester has informed our Office that it filed a timely protest with the agency on March 4, 1988 and that the agency has not responded to that protest. Bid opening was March 7, and TSL filed its protest with our Office on March 28.

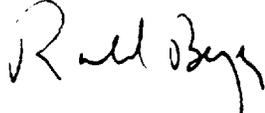
Our Bid Protest Regulations permit a protest to be filed initially with the contracting agency, but require that any subsequent protest to this Office be filed within 10 working days of when the protester knows or should know of the initial adverse agency action on the protest. 4 C.F.R. § 21.2(a)(3) (1988). The regulations, 4 C.F.R. § 21.0(f), define adverse agency action as any action on the part of

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the contracting agency which is prejudicial to the position taken in a protest filed with the agency, including a procurement action such as the opening of bids. Therefore, TSL's protest filed on March 28 is untimely.

The protest is dismissed.

A handwritten signature in black ink that reads "Ronald Berger". The signature is written in a cursive style with a large initial "R".

Ronald Berger
Deputy Associate
General Counsel