



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Jay-Em Aerospace Corporation

**File:** B-244944

**Date:** August 1, 1991

Roger E. Henderson for the protester.  
Steven W. DeGeorge, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

### DECISION

Jay-Em Aerospace Corporation protests the award of a contract to Allied Signal, Inc. for thermal fuses under request for proposals (RFP) No. F42630-91-R-31822, issued by the Department of the Air Force.

We dismiss the protest as untimely because it was filed more than 10 working days after the protester received actual or constructive knowledge of adverse action on its protest to the agency.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Where a protest initially has been filed with a contracting activity, any subsequent protest to our Office, to be considered timely, must be filed within 10 working days of "actual or constructive knowledge of initial adverse agency action." 4 C.F.R. § 21.2(a)(3) (1991). Here, Jay-Em originally filed its protest with the agency on February 14, 1991. Jay-Em states that it received the agency's answer on June 6. That answer was in the form of a letter which expressly denied the protest. Jay-Em's subsequent protest to our Office on July 22 is therefore untimely.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air, Inc.--Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and rarely used.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "John Brosnan".

John Brosnan  
Assistant General Counsel