



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Litton Systems, Precision Gear Division

**File:** B-256843

**Date:** March 29, 1994

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### DECISION

Litton Systems, Precision Gear Division, protests the award of a contract to The Purdy Corporation by the Department of the Army under solicitation No. DAAJ09-92-R-0813.

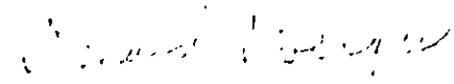
We dismiss the protest as untimely because it was filed more than 10 working days after the protester initially received actual or constructive knowledge of adverse agency action on its protest.

Here, Litton received notice of the award on September 29, 1993; Litton then filed an agency-level protest on October 13, which the Army denied by letter of November 29. Litton then requested, on December 13, that the agency reconsider its position to which the Army responded, on March 17, 1994, denying Litton's request for reconsideration. On March 28, Litton filed in our Office its protest of the agency's denial asserting that this "appeal is timely, within the meaning of 4 [C.F.R.] part 21."

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). The term "adverse agency action" is defined in our Bid Protest Regulations as any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with the agency. 4 C.F.R. § 21.0(f); Consolidated Indus. Skills Corp., B-231669.2, July 15, 1988, 88-2 CPD ¶ 58 (closing occurring 1 day following filing of agency-level protest constitutes initial adverse agency action).

Therefore, Litton was required to protest within 10 working days of the agency's "initial" adverse action--denial of Litton's protest on November 29.

The protest is dismissed.

  
Ronald Berger  
Associate General Counsel