



Comptroller General
of the United States

1127:57

Washington, D.C. 20548

Decision

Matter of: American Service Technology, Inc.

File: B-256880

Date: July 18, 1994

DECISION

American Service Technology, Inc. (ASTI) protests the terms of request for proposals No. N62477-94-R-0015, issued by the Department of the Navy for base operation support, including heating ventilation and air conditioning (HVAC) work, at the Patuxent River Naval Air Station.

We dismiss the protest.

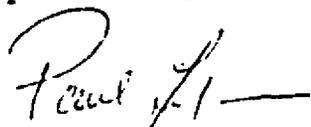
ASTI, which had been performing the HVAC support work, filed an agency-level protest dated December 9, 1993, in which it objected that the HVAC work should be competed, as it had been for the previous 15 years, separately from the base operation support work, and that ASTI's collective bargaining agreement should be included in the solicitation. By letter of March 3, sent by facsimile transmission to ASTI that same date, the agency denied ASTI's December 9 protest. ASTI filed its protest with our Office on March 31. The closing date for receipt of proposals was April 19.

Our Bid Protest Regulations require that protests of apparent solicitation improprieties must be filed prior to the closing date for receipt of proposals. 4 C.F.R. § 21.2(a)(1) (1994). However, where an alleged impropriety is timely protested to a contracting agency, any subsequent protest to this Office must be filed within 10 days of actual or constructive knowledge of initial adverse agency action on the protest. 4 C.F.R. § 21.2(a)(3). Since ASTI filed its protest with our Office more than 10 working days

¹We note that the agency forwarded ASTI's collective bargaining agreement to the Department of Labor for consideration and for issuance of an appropriate wage determination for the solicitation.

after its receipt of the agency's denial of ASTI's protest, this protest is untimely, even though it was filed with our Office prior to the closing date. Sletager, Inc., B-240789.2 et al., Feb. 1, 1991, 91-1 CPD ¶ 101.

The protest is dismissed.



Paul Lieberman
Assistant General Counsel