



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Environmental Investigation & Action, Inc.  
**File:** B-258500  
**Date:** October 21, 1994

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### DECISION

Environmental Investigation & Action, Inc. (EIA) protests the award of a contract by Department of the Army solicitation No. DAHA04-94-B-0012, a small business set-aside.

We dismiss the protest because the initial protest to the agency was not timely filed.

Here, the agency states that it telephonically notified EAI of its determination that the low bidder was in fact responsive and to make award to the low bidder on August 19, 1994. EAI filed an agency-level protest on September 6, 11 working days later. The instant protest was filed with our Office on September 15.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests based on alleged improprieties in a solicitation must be filed prior to bid opening or the time established for receipt of proposals. Protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Further, our Regulations provide that a matter initially protested to the agency will be considered only if the initial protest to the agency was filed within the time limits for filing a protest with our Office. 4 C.F.R. § 21.2(a)(3); Tandy Constr., Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "Paul Lieberman".

Paul Lieberman  
Acting Associate General Counsel