

J. Thomas 153943



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

Decision

Matter of: North East Property Management

File: B-255135.3; B-255136.3; B-259937; B-259938

Date: January 26, 1995

DECISION

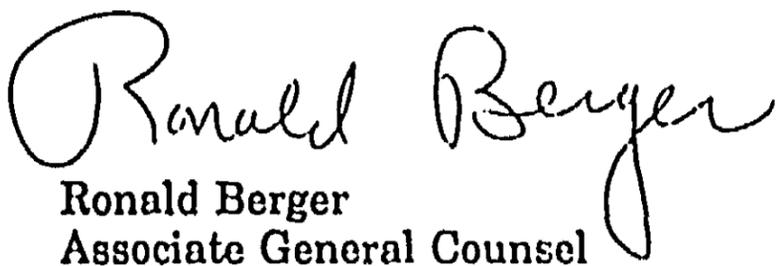
North East Property Management protests the cancellation of the award of contracts to North East and the reopening of the procurements after the prices have been exposed by the Department of Housing & Urban Development (HUD) under request for proposals Nos. 004-93-044, 005-93-044, 006-93-044, 007-93-044.

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

On December 23, 1993, North East filed a protest with the agency regarding the cancellation of the contract awards to North East and the reprocurement process after the prices of the offerors were exposed. HUD denied North East's protest on February 3, 1994. The instant protests were not filed with our Office until December 9, 1994, after the receipt of best and final offers and the award of contracts.

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).

The protest is dismissed.


Ronald Berger
Associate General Counsel