

J. Thomas



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

# Decision

**Matter of:** R.D.C./Development Corporation  
**File:** B-261499; B-261500  
**Date:** June 7, 1995

## DECISION

R.D.C. /Development Corporation protests the award of contracts by the Department of the Interior under invitation for bids (IFB) Nos. 5280-95-03 and 5280-95-01.

We dismiss the protests as untimely.

Under the first IFB, R.D.C. filed an agency level protest on February 15, 1995. The agency responded to the agency level protest on February 17. Under the second IFB, R.D.C. protested to the agency on January 9, 1995. R.D.C. received notice of award on February 10. The instant protests were filed in our Office on May 23.

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, such as bid opening, receipt of proposals, and the award of a contract, which is prejudicial to the position taken in a protest filed with the agency. 4 C.F.R. § 21.0(f). The protests here, to be timely, therefore should have been filed not later than 10 working days after February 17 and February 10, respectively.

The protest is dismissed.

Ronald Berger  
Associate General Counsel

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