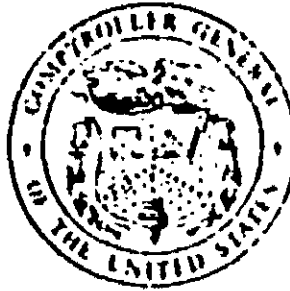


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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-206137.2 DATE: April 27, 1982

MATTER OF: Afri-American Supply Company--  
Reconsideration

**DIGEST:**

Prior decision is affirmed where request for reconsideration fails to demonstrate that decision was factually or legally erroneous.

Afri-American Supply Company (Afri-American) requests reconsideration of our decision in Afri-American Supply Company, B-206137, February 17, 1982, 82-1 CPD 141, where we dismissed Afri-American's protest on the basis that it was partially untimely and partially premature.

Afri-American protested the General Services Administration's (GSA) handling of two solicitations, solicitation No. AT/TC 19115 (solicitation 15) and solicitation No. AT/TC 19117 (solicitation 17). Under solicitation 15, GSA rejected Afri-American's bid and following Afri-American's protest of the rejection to GSA, GSA explained by letter the basis of the rejection. We found the letter to constitute initial adverse agency action and dismissed Afri-American's protest to our Office as untimely because it was filed more than 10 working days after Afri-American should have received the letter. See 4 C.F.R. § 21.2(a) (1981).

Under solicitation 17, Afri-American merely speculated that at some future time GSA might improperly deny an award to Afri-American. We found this to be premature because GSA had done nothing adverse to Afri-American's interest. Parenthetically, we noted that GSA was in the process of making awards to Afri-American.

Now, Afri-American contends that our prior decision is incorrect since, if the rationale of our decision under solicitation 17 is applied to Afri-American's protest of solicitation 15, it is clear

that Afri-American should have waited until GSA made an award under solicitation 15 before filing a protest with our Office, in which case its protest would be timely. We disagree. The two situations are distinguishable. Under solicitation 15, GSA rejected Afri-American's bid and denied its protest against such rejection. In this situation, our Bid Protest Procedures require the filing of a protest against such adverse agency action within 10 days. No protest was filed under solicitation 15 within that time. There was no adverse agency action under solicitation 17 at the time of filing the protest.

Accordingly, the decision of February 17, 1982, is affirmed.

*Milton J. Socolow*  
for Comptroller General  
of the United States