

Thomas



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Taylor-Wharton

File: B-270839

Date: January 17, 1996

DECISION

Taylor-Wharton protests the award of a contract by the Department of Health & Human Services, Centers for Disease Control, under request for proposals No. 95-185-N. We dismiss the protest as untimely.

Taylor-Wharton originally raised most of the issues it now protests in a protest filed with the contracting agency. Under our Bid Protest Regulations, 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 14 calendar days of actual or constructive knowledge of initial "adverse agency action." Section 21.2(a)(3), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(3)).

The protest to our Office was filed on December 29, 1995. According to Taylor-Wharton, however, on December 6 the agency notified the firm by telephone that the relief the company requested in its protest was not going to be granted. Our Regulations define "adverse agency action" as any action or inaction by a contracting agency that is prejudicial to the position taken in a protest filed with the agency. Section 21.0(f), 60 Fed. Reg. supra, (to be codified at 4 C.F.R. § 21.0(f)). Therefore, and since Taylor-Wharton's protest to our Office was not filed until more than 14 calendar days after December 6, it is untimely.

Taylor-Wharton now also protests that the solicitation improperly omitted a particular technical specification. That issue is untimely, however, under the rule in our Regulations that a protest of an alleged impropriety in a solicitation that is apparent before the time for receipt of proposals must be filed before that time. Section 21.2(a)(1), 60 Fed. Reg. supra, (to be codified at 4 C.F.R. § 21.2(a)(1)).

The protest is dismissed.

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