

DECISION



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

FILE: B-185741

DATE: April 8, 1976

MATTER OF: Plaza des las Armas, Inc.

DIGEST:

Protest to this Office not filed within 10 working days after procuring agency had denied protest is untimely and not for consideration on merits.

Plaza des las Armas, Inc. (Plaza), has protested against the award of a lease under solicitation No. R7-73N-75 by the General Services Administration (GSA). The solicitation was for approximately 25,000 square feet of net usable air conditioned office space in San Antonio, Texas.

In its report to our Office received on March 9, 1976, GSA advises that on December 10, 1975, it rejected Plaza's offer as not meeting the requirements of the solicitation. Plaza appealed the rejection by letter dated December 12, 1975. By letter dated December 22, 1975, GSA reiterated its decision, and reasons therefor, to reject Plaza's offer.

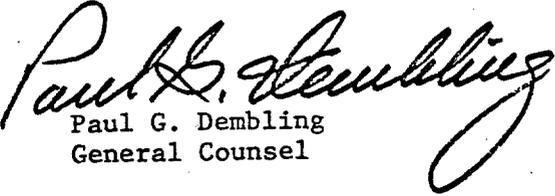
The Bid Protest Procedures of our Office urge protesters to first seek resolution of complaints with the contracting agency. However, when the protest has been initially filed with the contracting agency, any subsequent protest to this Office must be filed no later than 10 working days from formal notification of or actual or constructive knowledge of initial adverse agency action. 40 Fed. Reg. 17979 (1975). Adverse agency action is defined in section 20.0(b) of our procedures as:

"* * * any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with an agency.
* * *"

Here, the date of adverse agency action was December 24, 1975 (as indicated in the document submitted by Plaza), when Plaza received GSA's response to its appeal. Therefore, protest to this Office should

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have been made within 10 working days from December 24, 1975. Since the protest by Plaza was not filed (received) in the Office until January 15, 1976, it is untimely and not for consideration on the merits.


Paul G. Dembling
General Counsel