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DECISION



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

FILE: B-187772

DATE: November 22, 1976

MATTER OF: The Bared and Cobo Company, Inc.

DIGEST:

Protest not filed within 10 working days from date of initial adverse agency action is untimely and not for consideration on merits.

By letter of August 27, 1976, the Bared and Cobo Company, Inc. (Bared), filed a protest with the General Services Administration against the award of a contract to Capital Electric Company (Capital) for mechanical, electrical, and plumbing work on the Federal Building and U.S. Courthouse, Fort Lauderdale, Florida, under invitation for bids No. NFL-75105. That protest was denied by a letter dated October 15, 1976, which was received by Bared on October 21, 1976. By letter dated November 3, 1976, and received at our Office on November 8, 1976, Bared filed a protest against the award to Capital under the solicitation. Our Bid Protest Procedures provide in pertinent part:

"* * * If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered * * *." 4 C.F.R. § 20.2(a) (1976).

In the instant case, Bared's protest was not filed (received) until 11 working days after it was notified that the agency intended to make award to Capital. Consequently, the protest is untimely and will not be considered on the merits. Applied Data Research, Inc., B-185688, January 30, 1976, 76-1 CPD 69.

Milton Foster
for Paul G. Dembling
General Counsel