

DECISION



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

8272

FILE: B-192256

DATE: November 3, 1978

MATTER OF: A&M Instrument, Inc.

DIGEST:

Protest filed with GAO more than 10 working days after initial adverse agency action (denial of protest) is untimely under Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1978), and not for consideration on merits.

The U.S. Army Armament Materiel Readiness Command, Rock Island, Illinois, issued invitation for bids No. DAAA09-78-R-6211 for the procurement of low voltage automotive test sets.

A&M Instrument, Inc. (A&M), filed a protest with the procuring activity contending that first article testing should not be waived for the prior producer of low voltage automotive test sets. By letter dated August 3, 1978, the contracting officer denied A&M's protest. The record indicates that A&M received the contracting officer's letter no later than August 11, 1978. On August 18, 1978, A&M filed a telegram with our Office which indicated that A&M anticipated commenting on an earlier protest filed by Advani Engineering Company (Advani) concerning waiver of first article approval. On August 28, 1978, 12 days after receipt of the contracting officer's letter, A&M filed a protest with our Office. Since A&M's protest to our Office was not filed within 10 working days after initial adverse agency action (i.e., denial of its protest) A&M's protest to our Office is untimely under our Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1978), and not for consideration on the merits. We do not consider A&M's telegram expressing an interest in Advani's protest to be a timely filing of a protest.

Based on the foregoing, the protest is dismissed.


Paul G. Dembling
General Counsel