

**DECISION**

12549 *Ruppert*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548  
*Proc I*

FILE: B-197307

DATE: January 16, 1980

MATTER OF: V. H. Blackinton &amp; Co., Inc.

*[Protest of Army Refusal to Extend Time for Submitting Bids]*  
DIGEST:

Agency's opening of bids without extending time for bid submission as requested by protester was adverse agency action; therefore, subsequent protest to GAO filed more than 10 working days after bid opening is untimely and will not be considered on merits.

*DLB 03630*

✓ By letter received in this Office on January 2, 1980, V. H. Blackinton & Co., Inc. (Blackinton), protests the refusal of the Department of the Army to extend the time for submitting bids under invitation for bids (IFB) DABT10-80-B-0011, issued by the Procurement Division, Fort Benning, Georgia.

*DLB 2726*  
Blackinton indicates that the IFB, dated October 29, 1979, was received by it on November 7 and that bids were required to be submitted by November 20, 1979. A representative of the Army has advised our Office that bids were opened on November 20, 1979, as scheduled.

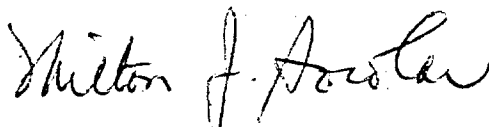
Blackinton states that because the Army refused its request to extend the bid opening time, it did not have sufficient time to prepare a bid.

We find Blackinton's protest untimely. Blackinton timely protested to the Army what it considered an inadequately short bidding time in accordance with our Bid Protest Procedures. 4 C.F.R. § 20.2. However, it is not clear whether the Army's denial was received by Blackinton in sufficient time to require a protest to our Office prior to bid opening pursuant to 4 C.F.R. § 20.2(a).

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In any event, the Army's opening of bids without granting Blackinton's request that bid opening time be extended was adverse agency action. See M & M Services, Inc., B-193066 (3), December 26, 1978, 78-2 CPD 434; Jazco Corporation, B-192407, August 31, 1978, 78-2 CPD 162. Our procedures require that for a protest to be timely, it must be filed (i.e., received) within 10 working days of the initial adverse agency action. 4 C.F.R. § 20.2(a) (1979). Since the protest was not filed until more than 1 month after the opening of bids, the protest is untimely and not for consideration on the merits.

The protest is dismissed.



Milton J. Socolar  
General Counsel