

DECISION



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

12779 PLGG

FILE: B-197452

DATE: February 7, 1980

MATTER OF: Palmer Products, Inc.

DLG 03870

DIGEST:

[Contract Award Protest]

Protest filed initially with contracting agency but not filed with GAO within 10 days of agency's denial of protest is untimely and not for consideration under GAO Bid Protest Procedures.

Palmer Products, Inc. (Palmer) protests the award of a contract by the General Services Administration (GSA) under solicitation No. 8FCB-Q1-80051, alleging that it should have received an award notwithstanding that it was not in a labor surplus area as required by the solicitation. We dismiss the protest as untimely.

AGC 00017

Palmer initially protested the award to GSA on December 5, 1979. GSA denied the protest by letter received by Palmer on December 26, 1979. Palmer then protested to our office by letter which was received by us on January 15, 1980.

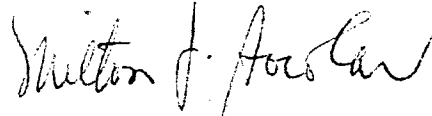
Our Bid Protest Procedures provide that:

" . . . If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of . . . initial adverse agency action will be considered . . ." 4 C.F.R. § 20.2 (1979).

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The protest was filed here more than 10 working days after Palmer learned of the agency's denial of its protest. Accordingly, the protest filed here is untimely and not for consideration. The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel