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Darryl Donohue

DECISION



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

[Untimely Protest of Bid Rejection]

FILE: B-197991

DATE: March 28, 1980

MATTER OF: Henry J. Young

DIGEST:

Protest filed with GAO more than 10 days after protester learns of denial of protest initially lodged with agency is untimely and not for consideration.

Henry J. Young protests the rejection of his bid on Sale No. 9DPS (SF) 80-43 by the General Services Administration (GSA). We find the protest is untimely.

By letter of January 28, 1980, Mr. Young filed a protest with GSA. The protest was denied by GSA in a letter dated February 5, 1980. Subsequently a protest letter dated February 20 was filed with our Office on March 5, 1980.

Section 20.2(a) of our Bid Protest Procedures states in pertinent part:

"Protesters are urged to seek resolution of their complaints initially with the contracting agency. 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 an actual or constructive knowledge of initial adverse agency action will be considered * * *."

Since Mr. Young's protest was not filed here until more than 10 days after he received GSA's letter of February 5, 1980, the protest is untimely and not for consideration. Biltwell Development Company of San Francisco, B-193827, January 30, 1979, 79-1 CPD 73.

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The protest is dismissed.

Harry D. Van Cleave
for Milton J. Socolar
General Counsel