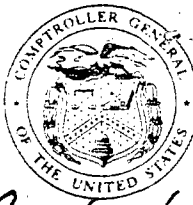


DECISION



13806 PLCG
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

[Untimely Protest of Bid Rejection]

FILE: B-198799

DATE: May 22, 1980

MATTER OF: Kings Electronics Co., Inc.

DIGEST:

Protest to GAO of proposal rejection is untimely where filed more than 10 working days after protester receives agency's rejection of its initial protest to agency, notwithstanding fact that protester then appealed initial denial to agency.

By letter filed in this Office on May 12, 1980, Kings Electronics Co., Inc. (Kings) protested the rejection of its proposal and award of a contract to ITT Gilfillan under request for proposals No. DLA900-79-R-3818, issued by the Defense Logistics Agency, Defense Electronics Supply Center, Dayton, Ohio (DLA).

Kings initially filed a timely protest with DLA. DLA denied the protest by letter of December 4, 1979. Kings then appealed the denial by letter of December 10, 1979. DLA has yet to rule on the appeal.

Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. § 20.2(a) (1980), provides, 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 * * * initial adverse agency action will be considered * * *."
(Emphasis supplied.)

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Thus, Kings was required to protest to our Office within 10 working days after its receipt of DLA's initial denial of its protest. Since Kings did not do so, its protest here is untimely and not for consideration on the merits. While we realize that a protester may consider an agency's initial adverse action to be ill-founded, leading the protester to engage in further correspondence with the agency, it is nevertheless obligatory that any protest to GAO be filed after notification of initial adverse agency action. 52 Comp. Gen. 20 (1972); Kenney Refrigeration, B-191026, January 31, 1978, 78-1 CPD 87.

The protest is dismissed.

Narry E. Can Cleve
for Milton J. Socolar
General Counsel