

DECISION



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

FILE: B-209822

DATE: December 15, 1982

MATTER OF: Halifax Engineering, Inc.

DIGEST:

Protest filed with GAO almost a month after contracting agency mailed notice of denial of protest to agency (initial adverse action) is untimely under 4 C.F.R. § 21.2(a) (1982) since not filed within 10 working days after notice.

Halifax Engineering, Inc. (Halifax), protests the cancellation of invitation for bids No. DTF-A03-82-B-00019, issued by the Department of Transportation (DOT), for carpentry and painting services. We dismiss the protest as being untimely.

Bidders were notified that this solicitation was part of a cost comparison to determine whether it would be more economical to have the work performed in-house or contracted out. By letter dated August 12, DOT notified bidders that initial cost comparison data revealed that the services could be performed more economically in-house. On August 27, 1982, Halifax filed an appeal of the cost comparison determination with DOT. DOT has informally advised our Office that Halifax's appeal was denied by letter of October 18, 1982. On November 12, 1982, this Office received Halifax's protest of the IFB cancellation.

Our Bid Protest Procedures encourage protesters to seek resolution of their complaint initially with the contracting agency, and require that any subsequent protest to this Office must be filed within 10 working days of formal notification or actual or constructive knowledge of initial adverse action by the contracting agency. 4 C.F.R. § 21.1(a) (1981). Allowing a reasonable time for delivery of DOT's letter of October 18, 1982, it appears that Halifax's protest filed with this Office on November 12, 1982 (almost a month after DOT mailed the denial) is untimely. Chipman Van and Storage, Inc., B-205732, December 30, 1981, 81-2 CPD 515, Crown Laundry and Dry Cleaners, Inc., B-207630, June 11, 1982, 82-1 CPD 568.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel