

DECISION



2012/ 4000011
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-211659

DATE: May 12, 1983

MATTER OF: Economy Data Products, Inc.

DIGEST:

Protest to GAO filed more than 10 working days after protester's receipt of contracting agency's denial of protest filed with contracting agency is untimely and will not be considered on merits.

Economy Data Products, Inc. (EDP), protests the General Services Administration's (GSA) determination that its bid in response to invitation for bids (IFB) No. 2YC-HEB-A-All96Q was nonresponsive regarding certain items required under the IFB since EDP had improperly qualified its bid with regard to such items. We will not consider the protest on the merits because it was untimely filed in our Office.

The record shows that EDP initially protested to GSA on February 25, 1983. GSA denied EDP's protest by letter dated April 13, which was received by EDP on April 18. EDP filed its protest with our Office on May 3. Under section 21.2(a) of our Bid Protest Procedures (4 C.F.R. part 21 (1983)), where a protest has been initially filed with the contracting agency, we will consider any subsequent protest to our Office provided it is filed in our Office within 10 working days of formal notification of the initial adverse contracting agency action. Here, EDP's protest was not filed until the eleventh working day after EDP received GSA's denial of its protest to GSA. Accordingly, the protest is untimely. HCS, Inc., B-204960.2, March 23, 1982, 82-1 CPD 275.

EDP states that it would have filed its protest in our Office earlier but it did not have information on how to make such a protest. However, even though EDP's unawareness of our procedures may have contributed to its failure to timely protest, our Bid Protest Procedures have been published in the Federal Register at 40 Fed. Reg. 17979 (1975), and protesters are charged with

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constructive notice of their contents. Wahl Clipper Corporation, B-207064, June 1, 1982, 82-1 CPD 512.

The protest is dismissed.

for *F. H. Barclay, Jr.*
Harry R. Van Cleve
Acting General Counsel