

DECISION

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

FILE: B-215100

DATE: May 22 1984

MATTER OF: Municipality of Anchorage

DIGEST:

Where initial protest to contracting agency is untimely filed, subsequent protest to GAO is dismissed as untimely.

The Municipality of Anchorage, Alaska (Anchorage), protests the proposed award of a lease by the Federal Aviation Administration (FAA) to another locality as the site for a regional automated flight service station (AFSS) under solicitation for offers No. DTFA04-83-L-83003.

We dismiss the protest as untimely.

By letter dated March 16, 1984, received by the Anchorage Municipal Manager on that day, the FAA informed Anchorage that the Kenai Soldotna locality was the proposed awardee for the AFSS lease and provided the report of the technical and cost evaluation of the offerors. By letter dated April 9, 1984, the Mayor of Anchorage protested the award to FAA. Anchorage asserts that the FAA did not properly evaluate offers and, as a result, the evaluation did not result in award to the most effective and lowest cost site, which it argues is Anchorage. The FAA apparently has not responded to the protest to this date. By letter dated April 27, 1984, filed at GAO on April 30, 1984, Anchorage protested to this Office.

If a protest is filed initially with a contracting agency, a subsequent protest to GAO filed within 10 days of knowledge of adverse agency action will be considered, provided the initial agency protest was timely filed. 4 C.F.R. § 21.2(a) (1983). To be timely filed with the FAA, Anchorage's protest must have been received by the FAA within 10 working days after it knew or should have known the basis for protest. 4 C.F.R. §§ 21.2(a), (b)(2) and (3) (1983).

Anchorage knew the basis of its protest on March 16 when it received the FAA's letter and report. Therefore, we consider the April 9 protest to the FAA to be untimely,

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that is, not filed within 10 days after the protester knew the basis of protest.

Since we consider Anchorage's protest to the FAA to be untimely, we find its subsequent protest to this Office is untimely and not for consideration on the merits. JT Systems, Inc., B-212774, November 23, 1983, 83-2 CPD 612.

Harry R. Van Cleve
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Acting General Counsel