

DECISION

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

28396

FILE: B-215240**DATE:** May 29, 1984**MATTER OF:** Sigma West Corporation**DIGEST:**

Protest filed with GAO more than 10 working days after protester receives notice that the same protest, initially filed with contracting agency, has been denied is untimely and will not be considered on the merits.

Sigma West Corporation protests an award made to Snyder Pneumatic of South Carolina, Inc. by the General Services Administration (GSA) under solicitation No. FEP-AR-F0290-A.

By letter of March 1, 1984, Sigma protested to the agency, alleging that Snyder did not meet the federal specifications for tool kit knives set forth in the solicitation.

By letter of April 6, 1984, received by Sigma on April 12, the agency denied the protest. Sigma's protest to this Office was received on May 14.

We will not consider the merits of the protest. Our Bid Protest Procedures, 4 C.F.R. § 21.2(a) (1984), require that when a protest has been filed initially with a contracting agency, any subsequent protest to this Office must be filed within 10 working days after the protester receives notice of the contracting agency's initial adverse action. "Filed" under this section means receipt in GAO. 4 C.F.R. § 21.2(b)(3). In this case, although Sigma learned of GSA's denial of its protest on April 12, it did not file its protest here until after the 10 working day period had elapsed.

The protest is dismissed.

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

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