



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: J. Hinton Co.

File: B-227254

Date: May 22, 1987

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### DIGEST

Protest to General Accounting Office is untimely where filed more than 10 working days after initial adverse action by contracting agency on protest filed at that level.

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### DECISION

J. Hinton Co. protests the award of a contract to Don Curry Co. under Forest Service solicitation No. R6-5-87-0012S, on the basis that Curry improperly conditioned its bid. We dismiss the matter without receiving a report from the Forest Service, since it is clear the protest is untimely. See section 21.3(f) of our Bid Protest Regulations, 4 C.F.R. part 21 (1986).

Hinton initially protested the matter to the Forest Service upon learning of the award. Then, on April 28, 1987, Hinton met with the contract specialist, who advised him that Curry would be awarded the contract despite Hinton's objection. Hinton filed its protest with our Office on May 15.

Section 21.2(a)(3) of our Regulations requires that if a protest initially is filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days after initial adverse agency action. Section 21.0(e) defines such action as any action or inaction by the contracting agency that is prejudicial to the protester's position.

Clearly, the advice Hinton received at the April 28 meeting constituted adverse action on the firm's agency-level protest. The protest to our Office, filed more than 10

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working days later, therefore is untimely and will not be considered on the merits.

*James W. Beckin*

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