



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-230898.2

June 8, 1988

Union Natural Gas Company
16479 Dallas Parkway
Dallas, Texas 75248-2616

Attention: Mr. Joe Crutchfield

Gentlemen:

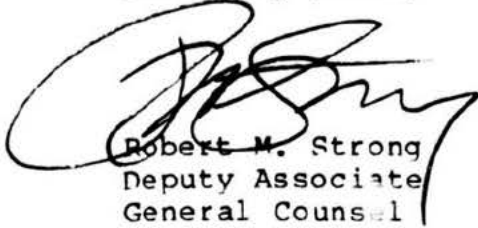
This responds to your May 11, 1988, letter asking that we reconsider our May 2 dismissal of your protest under Department of the Navy solicitation No. N62474-87-B-8525 (which you identify as N62474-87-C-8528).

We dismissed the protest, filed by letter of March 18, as untimely because your argument was that the solicitation evaluation criteria were unfair, but you did not raise the matter before the March 3 bid opening, as required by section 21.2(a)(1) of our Bid Protest Regulations, 4 C.F.R. Part 21 (1988). You state that you did, in fact, file a protest with the Navy on November 5, 1987.

It was not apparent from your initial letter, which we received on March 30, that you had filed a pre-bid opening protest. Your protest to our Office nevertheless was untimely, however. Section 21.2(a)(3) of our Regulations requires that where an agency-level protest was filed initially, any subsequent protest to our Office must be filed within 10 working days of initial adverse agency action. Such initial action occurred here when, on February 1, you received the Navy's reply to your November 1987 letter, which we understand clearly denied the protest. Further, as we have advised you in connection with the other

five protests you filed through your March 18 letter, your pursuit of the matter with the contracting agency after receiving initial adverse action did not toll the 10 working day period for protesting to the General Accounting Office.

Sincerely yours,



Robert M. Strong
Deputy Associate
General Counsel