



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Consolidated Waste Services, Inc.  
File: B-227762  
Date: August 5, 1987

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### DIGEST

A protest against cancellation of a solicitation filed more than a month after protester received denial of protest to agency is untimely.

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### DECISION

Consolidated Waste Services, Inc., protests the cancellation of invitation for bids (IFB) No. N62472-86-B-5396 by the Naval Facilities Engineering Command for solid waste disposal at the Naval Air Engineering Center, Lakehurst, New Jersey. We dismiss the protest.

Consolidated was the low bidder under the IFB, issued in September of 1986 and set aside for small businesses, but award was withheld while the Small Business Administration (SBA) considered Consolidated's size status. On March 31, 1987, before the SBA reached a decision, the Navy canceled the solicitation, after deciding it could order the same services under another contract. Consolidated protested the cancellation to the contracting officer on April 3 and April 29; in those submissions, Consolidated also alleged that the Navy discriminated against Consolidated in the procurement process. The protester filed a supplemental protest on June 5 in which it further detailed its original allegations and additionally charged that, irrespective of the cancellation, the Navy improperly attempted to influence the SBA against the firm.

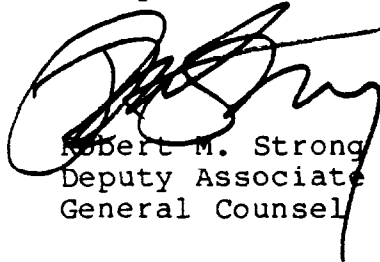
The contracting officer denied Consolidated's April protests on June 17 and stated that the Navy considered Consolidated's June 5 supplement to be a separate protest. Consolidated received the Navy's letter on June 25, followed by a confirmation of that decision on July 8 in response to an inquiry by Consolidated in which it questioned the Navy's decision to treat the June 5 supplement as a separate protest. Consolidated filed a protest with our Office on

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July 20 against the cancellation of the solicitation, and the Navy's handling of the entire contract process.

When a protest has been filed with a contracting agency, our Bid Protest Regulations require that any subsequent protest to our Office be filed within 10 working days of notice of the agency's initial adverse action. 4 C.F.R. § 21.2(a)(3) (1987). Since Consolidated received notice of the Navy's denial of the company's April protests on June 25, the July 20 protest to our Office challenging the cancellation was not filed within the time limit prescribed by our regulations and is therefore untimely.

The protest is dismissed.



Robert M. Strong  
Deputy Associate  
General Counsel