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Mr. Hasfurther

**DECISION**



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

*[Protest of Low Bidder Being Permitted to Increase Bid Price]*

FILE: B-202901

DATE: May 21, 1981

MATTER OF: Domar Buckle Mfg. Corp.

**DIGEST:**

Protest filed with GAO more than 10 working days after same protest filed with contracting agency was denied by contracting officer is untimely and not for consideration.

By letter of April 10, 1981, received by our Office on April 14, the Domar Buckle Mfg. Corp. (Domar) protested the award made under Defense Personnel Support Center (Defense Logistics Agency) invitation for bids No. DLA100-81-B-0130 because the low bidder-awardee was permitted to increase its bid price prior to award after alleging a mistake in bid. The low bidder remained low after the permitted correction. Domar first protested this matter to the contracting agency; the contracting officer's letter denying the protest was received by Domar on March 30.

Our Bid Protest Procedures, specifically at 4 C.F.R. § 20.2(a) (1980), require that where, as here, a protest has been timely filed initially with the contracting agency, any subsequent protest to our Office received here within 10 working days of formal notification of initial adverse agency action will be considered.

Domar received notice of the initial adverse agency action, the denial of its agency protest, on March 30. Ten working days after this date was April 13. The Domar protest was received by our Office on April 14 and was filed untimely. Therefore, the protest is not for consideration by our Office.

Accordingly, the protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

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