

**DECISION**



19272  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE:

B-204331

DATE: August 31, 1981

MATTER OF:

Brune Pump Company

DIGEST:

Protest filed with GAO more than 10 working days after protester received notice of initial adverse action on protest filed with contracting agency is untimely and will not be considered on its merits.

Brune Pump Company protests the rejection of the bid it submitted in response to invitation for bids DAKF48-81-1-B-0064 issued by the Department of the Army for the rehabilitation of water wells. We dismiss the protest.

As part of the rehabilitation of wells, the solicitation requires offerors to supply and install pumping units. The Army found that the pumping equipment offered by Brune did not conform to the specifications and, therefore, rejected Brune's bid. Brune contends that its equipment is equal or superior to the brand name equipment listed in the solicitation. Brune also alleges that the equipment offered by the awardee is expensive, inefficient and hazardous to the health of those who consume water pumped by it.

These contentions were untimely filed. Following the rejection of its bid, Brune filed a protest with the Army, which denied the protest by letter dated July 9, 1981. Our Bid Protest Procedures state that if a protest has been filed initially with the contracting agency, any subsequent protest to our Office must be filed within 10 working days

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of notification of initial adverse agency action to be considered timely. Because Brune did not file a protest with our Office until August 11, 1981, it is untimely and will not be considered. 4 C.F.R. § 21.2(a)(1981); Coventry Manufacturing Company, B-201626, January 22, 1981, 81-1 CPD 41.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel