

**DECISION**

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

29839

**FILE:** B-217072**DATE:** November 26, 1984**MATTER OF:** Joule Engineering Corporation**DIGEST:**

Protest to GAO after denial of protest by contracting agency will not be considered if initial protest was untimely.

Joule Engineering Corporation protests a determination by the National Aeronautics and Space Administration that Joule is not within the competitive range under request for proposals No. 5-01919/603 issued by the Goddard Space Flight Center.

We dismiss the protest.

By letter dated August 8, 1984, NASA informed Joule that the firm's proposal had been determined not to be in the competitive range and would not be further considered for an award. On September 26, Joule protested this determination to the contracting agency. On October 26, NASA denied the protest, and Joule filed a protest in our Office on November 8.

If a protest is filed initially with a contracting agency, a subsequent protest to GAO filed within 10 days after the protester learns of adverse agency action will be considered, provided the initial protest to the agency was timely filed. 4 C.F.R. § 21.2(a) (1984). To be timely filed with NASA, Joule's protest must have been received by NASA within 10 working days after Joule knew or should have known the basis for the protest. 4 C.F.R. § 21.2(b).

Joule knew of the basis for the protest when it received the August 8 letter from NASA. Since Joule's protest to NASA was not filed with the agency until September 26, we consider that protest to have been untimely

030628

and dismiss Joule's subsequent protest to this Office.  
Municipality of Anchorage, B-215100, May 22, 1984, 84-1  
C.P.D. ¶ 557.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel