



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: DCX, Inc.
File: B-232931
Date: November 30, 1988

DIGEST

Protest against a solicitation specification filed with the contracting officer prior to the closing date for the receipt of initial proposals is untimely where the agency received proposals on the scheduled closing date without taking corrective action and the subsequent protest to the General Accounting Office was filed more than 10 working days later.

DECISION

DCX, Inc., protests the allegedly defective specifications contained in request for proposals (RFP) No. DLA400-88-R-4689, issued by the Defense Logistics Agency (DLA) for 394 electrical distribution boxes.

We dismiss the protest.

DCX filed a protest with the contracting officer against allegedly defective specifications on August 18, 1988. Closing was held on August 19. DCX received a denial of its protest on September 19 and on September 29 it filed this protest with our Office.

Under our Bid Protest Regulations, protests initially filed with the contracting agency must be filed at the General Accounting Office within 10 working days of the protester's receipt of formal notification of or actual or constructive knowledge of initial adverse agency action. 4 C.F.R. § 21.2(a)(3) (1988). The agency's receipt of proposals on the scheduled closing date without taking any corrective action in response to a protest constitutes such initial adverse agency action. Vickers, Inc., B-230955, May 31, 1988, 88-1 CPD ¶ 510. To be timely, DCX should have protested here within 10 working days of the closing date. DCX's protest is untimely because it did not file its protest with our Office until September 29, more than a

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month after closing date, when the initial adverse action on its agency-level protest occurred. To the extent that DCX's protest to our Office now raises new issues concerning allegedly defective specifications, its protest is also untimely. 4 C.F.R. § 21.2(a)(1).

The protest is dismissed.

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for Robert M. Strong
Associate General Counsel