

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-193437

DATE: February 22, 1979

MATTER OF: California Computer Products, ^{CNG00343}
Inc.--Reconsideration

DIGEST:

[Prior decision dismissing protest as untimely is affirmed] where initial filing was not received at General Accounting Office before time set for receipt of initial proposals. Timeliness standards are not regarded as technicalities as their purpose is to provide expeditious consideration of bid protests without unduly burdening Government procurements.

California Computer Products, Inc. (Calcomp), requests reconsideration of our decision in the matter of California Computer Products, Inc., B-193437, December 5, 1978, 78-2 CPD 391. In that decision, we dismissed as untimely Calcomp's protest of Library of UTH00022 Congress Request for Proposals (RFP) No. 78-78.

Calcomp bases its protest on alleged improprieties in the RFP which were apparent prior to the closing date for receipt of proposals. Our Bid Protest Procedures require that such a protest be filed with GAO prior to that closing date. 4 C.F.R. § 20.2(b)(1) (1978). Calcomp asserts that both the Library of Congress and GAO were notified of the protest prior to this date. It points out that the message relaying the protest to GAO was received by Western Union at 3:21 p.m., November 7, 1978. The closing date for receipt of proposals was set at 4:00 p.m., November 7, 1978. Thus, Calcomp concludes that this Office was legally notified of the protest. We disagree.

Even though the protest was received by Western Union prior to the 4:00 p.m. closing time, the protest message was not received by the General Accounting Office until 5:03 p.m., November 7, 1978. This was one hour

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after the time fixed for receipt of proposals, the deadline for filing this protest.

Calcomp had ample time to protest alleged improprieties in the RFP, as the RFP was issued by the Library of Congress on September 11, 1978. Our Bid Protest Procedures clearly define the term "filed" as meaning receipt in the General Accounting Office and caution bidders to transmit their protests in a manner which will assure timely receipt. 4 C.F.R. 20.2(b)(3) (1978). Calcomp has failed to adhere to these procedures, and although it characterizes the time limits as a "technicality", we point out that we have never regarded these time limitations as technicalities, as their purpose is to provide expeditious consideration of bid protests without unduly burdening Government procurements. R. A. Miller Industries, Inc. -- Reconsideration, B-187183, January 14, 1977, 77-1 CPD 32.

The decision is affirmed.


Deputy Comptroller General
of the United States