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Mr. Dohohue

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548*[Request for Reconsideration of Untimely Protest Dismissal]* ^{PLCG}

FILE: B-199748.2

DATE: October 1, 1980

MATTER OF: Ling Electronics, Inc.--Reconsideration

DIGEST:

Mishandling of protest letter by protester's local delivery service, resulting in untimely filing of protest, does not constitute "good cause" for considering protest on merits.

Ling Electronics, Inc. (Ling) requests that we reconsider our decision in Ling Electronics, Inc., B-199748, August 6, 1980, 80-2 CPD 96, in which we dismissed as untimely the firm's protest of an award of a contract to LDS Limited of Royston, England.

Ling apparently sent a letter of protest to this Office which was dated July 3, 1980, with a copy to the agency. The letter directed to us was never received; the agency, however, furnished us a copy which we received on July 25. We dismissed the protest as untimely because July 25 was more than 10 working days after the basis for protest was known. See 4 C.F.R. § 20.2(b)(2) (1980). Ling now asserts that our untimely receipt of its protest was due to mishandling by its delivery service and requests that we reconsider its protest on the merits.

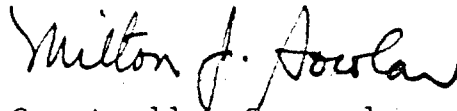
Section 20.2(c) of our Bid Protest Procedures allows for consideration of untimely protests where either "good cause is shown" or where the protest raises issues significant to procurement practices or procedures. We do not view this case as raising a significant issue.

For "good cause" to exist there must have been some compelling reason beyond the protester's control which prevented the filing of a timely protest. Comtech Laboratories, B-196755, April 10, 1980, 80-1 CPD 267.

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Ling in effect asserts that good cause exists here because its properly addressed letter of protest, with necessary postage and Postal Service Form 3811 for Registered Mail affixed, somehow became stuck in the receipt book of its local bonded mail delivery service and was never delivered for that reason. We do not believe this constitutes "good cause." The delivery service was Ling's agent, and its failure to mail the protest letter is not a supervening reason "beyond the protester's control"; rather the mishandling by the delivery service is legally attributable to Ling, which, as principal, must bear the consequences of its agent's mistake.

Our prior decision is affirmed.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For The Comptroller General
of the United States