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**DECISION**



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

FILE: B-205234

DATE: November 20, 1981

MATTER OF: Janitorial Services Industries

**DIGEST:**

Protest to GAO, addressed to the contracting agency's regional office and forwarded by that agency, is untimely and will not be considered on the merits because GAO did not receive the protest within 10 working days after the protester knew the basis for protest. Delay caused by the protester's failure to properly address the protest does not merit consideration of an untimely protest under 4 C.F.R. § 21.2(c) (1981).

By letter of October 16, 1981, the General Services Administration (GSA) forwarded to our Office a letter of August 24, 1981, from Janitorial Services Industries (JSI), protesting the rejection of its bid as nonresponsive to GSA invitation for bids No. GS-05B-42163. JSI's letter, which was addressed to GSA and GAO in care of GSA's National Capital Regional Office address, was forwarded several times before it was actually filed (received) in our Office on October 20, 1981.

As discussed below, we find the protest to be untimely filed.

Our Bid Protest Procedures require that protests be filed not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier, and define "filed" as "receipt in the General Accounting Office." 4 C.F.R. § 21.2(b) (1981). Our Procedures also specify the address that must be used on protests in order to assure protesters that mail will be correctly received and routed to the office within GAO which is responsible for handling these matters. National Designers, Inc., B-195353, B-195354, August 6, 1979, 79-2 CPD 86.

GSA notified JSI that its bid had been rejected as nonresponsive by letter of August 21, 1981. JSI knew the basis of its protest by August 24, 1981, the date of JSI's protest letter, requiring the timely filing of a protest by September 9, 1981. Because JSI's August 24 protest was not filed with our Office within the required period, it is clearly untimely. Ling Electronics, Inc., B-199748, August 6, 1980, 80-2 CPD 96; Fred M. Cox, Inc., B-191265, March 3, 1978, 78-1 CPD 169.

Although our Bid Protest Procedures do permit consideration of untimely protests where good cause is shown or issues significant to procurement practices or procedures are raised, we have held that the delay caused by the protester's failure to correctly address the protest does not merit consideration of an untimely protest under either of these exceptions. Maryland T Corporation, B-192247, July 19, 1978, 78-2 CPD 52; Johnny Ryan Company, B-185524, January 20, 1976, 76-1 CPD 35. Moreover, the failure of the protester to actively pursue its protest during the 2-month interval exhibits a lack of diligent pursuit. Carmatek Corporation, B-199415, November 18, 1980, 80-2 CPD 368.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel