

DECISION

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

FILE: B-208980**DATE:** November 8, 1982**MATTER OF:** Neuromedics, Inc.**DIGEST:**

Protest sent to address other than that set forth in GAO's Bid Protest Procedures and received by GAO more than 10 working days after protester knew basis of protest is untimely and will not be considered on the merits.

By letter of September 3, 1982, the General Services Administration (GSA) forwarded to our Office a letter of July 29, 1982, from Neuromedics, Inc., protesting the alleged refusal of the Veterans Administration (VA) to send it a copy of solicitation No. M2-Q30-82. For the reasons set forth below, we find the protest to be untimely filed.

Neuromedics' letter was properly addressed to our Bid Protest Control Unit. The envelope in which the letter was mailed, however, was addressed to an individual further identified as:

"Chief, Contract Services Branch
GAO
7th and D Streets, S.W.
Washington, D. C. 20407"

With the exception of "GAO", all of the envelope's address was consistent with correspondence intended for GSA, where the individual named serves as Deputy Director of the Real Property Contracts Division within GSA's National Capital Region which is located at the street address and Zip Code shown. The Postal Service, therefore, delivered the envelope to GSA. Since it was not clear from the correspondence whether it concerned a GSA or a VA procurement, it was forwarded to GSA's regional contracting officer for the Federal

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Supply Service, who returned it with the advice that it concerned a contract let by the VA's Marketing Division for Federal Supply Schedules. The letter then was forwarded to our Office by GSA.

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) (1982). 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 that is responsible for handling these matters. Janitorial Services Industries, B-205234, November 20, 1981, 81-2 CPD 415.

Neuromedics' complaint was that it had not received a copy of the solicitation for the Federal Supply Schedule group of medical equipment for which it was an incumbent contractor and upon which it wanted to compete for the ensuing fiscal year. According to information provided us by the VA, Neuromedics was notified by the VA sometime prior to July 29, 1982, that two copies of the solicitation had been mailed to it, and that since Neuromedics had failed to respond to either solicitation, no further copies of the solicitation would be sent to it. As of this time therefore, Neuromedics knew the basis for its protest. Since its protest was not filed with our Office within 10 days after it acquired this knowledge, it is clearly untimely and will not be considered on the merits.

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. Janitorial Services Industries, supra.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel