

31107

KARONIK  
PL-I

**DECISION**



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

**FILE:** B-218507.2

**DATE:** May 10, 1985

**MATTER OF:** The W.H. Smith Hardware Company--  
Reconsideration

**DIGEST:**

Dismissal of original protest is affirmed where the protester failed to furnish a copy of its protest to the contracting agency within 1 day after the protest was filed with GAO.

The W.H. Smith Hardware Company (Smith) requests reconsideration of its protest concerning invitation for bids No. DLA700-85-B-0078 issued by the Defense Logistics Agency (DLA). We dismissed the protest because Smith failed to furnish a copy of its protest to the contracting agency within 1 day after the protest was filed (received) in our Office.

We affirm our prior dismissal.

Smith's protest to GAO was filed on Monday, April 15, 1985. Under our Bid Protest Regulations, Smith was required to furnish a copy of its protest to the contracting agency by Tuesday, April 16, 1985. See § 21.1(d) of our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1985); Storage Technology Corp., B-218148.2, Mar. 11, 1985, 64 Comp. Gen. \_\_\_\_\_, 85-1 C.P.D. ¶ 300; Marconi Electronics, Inc.--Reconsideration, B-218088.3, Mar. 8, 1985, 64 Comp. Gen. \_\_\_\_\_, 85-1 C.P.D. ¶ 289.

Smith argues that since it mailed a copy of its protest to the contracting agency on the same day it mailed the protest to our Office, the firm complied with section 21.1(d). However, section 21.1(d) specifically provides that the contracting officer must receive a copy of the protest no later than 1 day after the protest is filed with GAO. DLA has advised us that it did not receive a copy of Smith's protest until April 22, 1985, almost a week after the April 16, 1985, date on which Smith was required to furnish DLA with a copy of its protest. Smith does not allege otherwise. Consequently, Smith failed to comply with the above regulation.

031990

B-218507.2

2

Our prior dismissal is affirmed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel