

DECISION

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

FILE:

B-220731.2

DATE: November 12, 1985**MATTER OF:**Gilbert-Tucker Associates, Inc.--
Request for Reconsideration**DIGEST:**

1. Dismissal of original protest for failure to file a copy of the protest with the contracting officer within 1 day after filing with GAO is affirmed where the agency had not received a copy of the protest 2 weeks after the protest was filed with GAO.
2. Protesters must comply with requirement to furnish a copy of a protest filed with GAO to the contracting agency where a de novo review is requested of a previous agency protest decision.

Gilbert-Tucker Associates, Inc. (Gilbert), requests reconsideration of our dismissal of its protest under request for quotations No. 8FCO-H3-58935 issued by the General Services Administration (GSA). We dismissed the protest because Gilbert failed to furnish a copy of its protest to the contracting officer within 1 day after the protest was filed with our Office as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1985).

We affirm the dismissal.

Gilbert's protest was filed on October 8, 1985. GSA had not received a copy of Gilbert's protest as of October 22, 1985. Although Gilbert contends that on the day it sent its protest to GAO, it sent a copy to the contracting officer, as stated above, by October 22, 1985, the date on which we dismissed Gilbert's protest, the contracting officer had not received a copy of the protest.

The Competition in Contracting Act of 1984, 31 U.S.C.A. § 3553 (West Supp. 1985), and our implementing regulations impose a strict time limit of 25 working days for an agency to file a written report with our Office from the date of telephonic notice of the protest from our Office. 4 C.F.R. § 21.3(c). Extensions are considered

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exceptional and are sparingly granted. Further, our Office generally must issue a final decision within 90 working days after the protest is filed. Permitting delays in furnishing copies of protests to the contracting agency would hamper contracting agencies' ability to comply with the statutorily imposed time limitation for filing a report and could frustrate our efforts to provide effective and timely consideration of all objections to procurement actions. See Julie Research Laboratories, Inc., B-219866.2; B-219867.2, Sept. 18, 1985, 85-2 C.P.D. ¶ 302.

Although Gilbert argues that it sent a copy of its protest to GSA in a timely fashion, Gilbert has not shown how its actions satisfied the notice requirement in section 21.1(d), which specifically states that "the contracting officer must receive a copy of the protest no later than 1 day after the protest is filed with the General Accounting Office." See Sabin Metal Corporation--Reconsideration, B-219171.2, July 24, 1985, 85-2 C.P.D. ¶ 79.

Gilbert points out that it had the protest considered by GSA prior to protesting to GAO. However, that did not obviate the need for filing a copy of the protest to our Office with GSA. Even where a protester requests a de novo review of a previous agency protest decision, the protester must still file a copy of its protest to GAO with the contracting officer within the 1-day timeframe so that the agency can know exactly what is being protested at GAO. See Washington State Commission for Vocational Education--Reconsideration, B-218249.2, July 19, 1985, 64 Comp. Gen. ____, 85-2 C.P.D. ¶ 59.

for *Raymond E. Egan*
 Harry R. Van Cleve
 General Counsel