

DECISION

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

FILE: B-222103 **DATE:** March 21, 1986
MATTER OF: Little People's Productivity Center, Inc.

DIGEST:

Protest, addressed in manner other than that set forth in section 21.1(b) of GAO Bid Protest Regulations, will not be considered since GAO did not timely receive the protest within 10 working days after initial adverse agency action on the protest to the contracting agency.

Little People's Productivity Center, Inc. (LPPC), protests the award of a contract to another bidder under request for proposals No. F33657-85-R-0276, issued by Wright-Patterson Air Force Base.

The protest is dismissed.

LPPC, on November 18, 1985, initially protested the award of the contract by addressing its protest as follows:

"United States General Accounting Office
C/O ASD/XO
Wright-Patterson AFB
Ohio 45433"

Although LPPC apparently believed it had sent its protest to the General Accounting Office (GAO), the protest in fact was sent to, and was handled as an agency-level protest by, the Air Force. On December 30, the Air Force denied the protest.

LPPC then mailed its protest to GAO on January 8, 1986, addressing it to a GAO employee with whom the protester's president apparently had spoken over the telephone. The employee's name, however, was misspelled and the protest envelope, addressed to the employee at "GAO, 447 C Street, N.W. Washington, D.C. 20548," was returned unopened to LPPC.

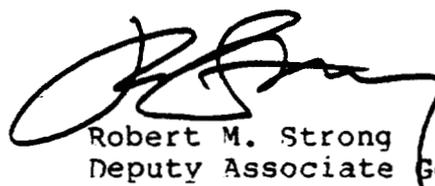
On February 4, LPPC attempted to file its protest again, but sent its letter to "ASD/XOP, Wright-Patterson AFB, Ohio, 45433, Attn: GAO." This envelope was also returned to LPPC with the notation "Return to Sender individual not in ASD/XOP."

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Subsequently, LPPC addressed its protest to the Comptroller General at the correct address and this protest was finally received at GAO on February 20, 1986.

Our Bid Protest Regulations provide that if a protest has been filed initially with the contracting agency, any subsequent protest to GAO must be filed within 10 days of formal notification of or actual or constructive knowledge of initial agency action. 4 C.F.R. § 21.2(a)(3) (1985). The term filed means receipt of the protest submission in the General Accounting Office. 4 C.F.R. § 21.2(b). Since the Air Force denied LPPC's protest on December 30, 1985, its protest filed at GAO on February 20, 1986, is untimely.

In addition, we have stated that the proper address to which protests should be sent is set forth in our Bid Protest Regulations, 4 C.F.R. § 21.1(b), and the untimely receipt of a protest because it is misaddressed does not excuse the untimely receipt. ISS Energy Services, Inc., B-216030, Aug. 27, 1984, 84-2 C.P.D. ¶ 230, and ISS Energy Services, Inc.,--Reconsideration, B-216030.2, Jan. 7, 1985, 85-1 C.P.D. ¶ 23. Section 21.1(b), in part, states that protests must be addressed as follows: "General Counsel, General Accounting Office, Washington, D.C. 20548, Attention: Procurement Law Control Group." Since LPPC incorrectly addressed its protest, thereby causing its protest to be untimely received in this Office, its protest will not be considered.



Robert M. Strong
Deputy Associate General Counsel