



The Comptroller General
of the United States

Washington, D.C. 20548

Chris Melody

Decision

Matter of: Systems & Computer Technology Corporation
File: B-224552
Date: October 24, 1986

DIGEST

Protest is dismissed where protester failed to comply with requirement that contracting agency receive a copy of the protest within 1 working day after the protest is filed. Merely mailing a copy of the protest to the contracting officer does not satisfy the notice requirement which specifies actual receipt of the protest by the contracting agency.

DECISION

Systems & Computer Technology Corporation (SCT) protests the rejection of its proposal under request for proposals No. RFP-SAAA-6-00814, issued by the Department of Commerce for an integrated accounting software system. We dismiss the protest because SCT failed to furnish a copy of the protest to the contracting agency within 1 day after the protest was filed with our Office.

Section 21.1(d) of our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1986), states that "the contracting officer must receive a copy of the protest no later than 1 [working] day after the protest is filed" with our Office. The basis for the 1-day notice requirement is found in the Competition in Contracting Act of 1984, 31 U.S.C. § 3553 (Supp. III 1985), which requires the contracting agency to file a written report with our Office within 25 working days after we notify the agency that a protest has been filed. Any delay in furnishing a copy of the protest to the contracting agency not only hampers the agency's ability to meet the 25-day statutory deadline, but also frustrates our efforts to consider all objections to agency procurement actions in as timely a fashion as possible. California Mobile Communications, B-223614.2, Aug. 19, 1986, 86-2 CPD ¶ 200.

Here, SCT's protest letter was dated October 9, 1986 and filed in our Office on October 10. By letter dated October 16, the contracting agency advised us that it had not

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yet received a copy of the protest. Since the contracting agency did not receive a copy of the protest within 1 day of its filing with our Office, SCT did not comply with the notice requirement in 4 C.F.R. § 21.1(d).

SCT argues that it complied with the notice requirement by mailing a copy of the protest to the contracting officer on the same day it sent the protest, via Federal Express, to our Office. Merely mailing a copy of the protest does not satisfy the requirement in 4 C.F.R. § 21.1(d), however, since the regulation defines notice as receipt of the protest by the contracting agency. Carlyle Van Lines, Inc.--
Reconsideration, B-221331.2, Jan. 24, 1986, 86-1 CPD ¶ 89.
Further, since the protest was sent to our Office via an overnight delivery service, SCT could not reasonably assume that the copy, which was sent by regular mail, would reach the contracting agency within 1 day after the protest was filed with our Office.

The protest is dismissed.

Ronald Berger

Ronald Berger
Deputy Associate
General Counsel