



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Oxman Knowledge Organization--Request for
Reconsideration

File:

B-225000.2

Date:

November 24, 1986

DIGEST

Request for reconsideration of a decision dismissing a protest as untimely filed is dismissed where the request for reconsideration does not contain a statement of factual or legal grounds upon which reversal could be deemed warranted, but instead merely contains a single allegation, which, even if accepted as fact, would not warrant reversal of the dismissal of the protest.

DECISION

Oxman Knowledge Organization (Oxko) requests reconsideration of our dismissal of its protest under request for proposals No. DCA100-86-R-0013 issued by the Defense Communications Agency (DCA). We dismissed the protest because we found that it was untimely filed. We dismiss the request for reconsideration.

Oxko initially filed a protest against award under the subject solicitation with DCA. By letter dated September 19, 1986, DCA denied Oxko's protest. Subsequently, on October 17, 1986 (by letter dated October 9), Oxko filed its protest against the award with our Office. However, on October 27, DCA notified our Office that its return receipt records indicated that Oxko received DCA's (September 19) denial of Oxko's protest to DCA on September 23. Consequently, on October 27, we dismissed Oxko's protest because it was not filed with our Office within 10 working days after September 23, when, according to DCA's records, Oxko received notice of adverse agency action on its protest filed with DCA. See 4 C.F.R. § 21.2(a)(3) (1986).

In its request for reconsideration Oxko argues that our dismissal of its protest was improper because Oxko sent a protest to GAO within 10 working days after Oxko received DCA's denial of Oxko's protest to DCA. However, Oxko has not

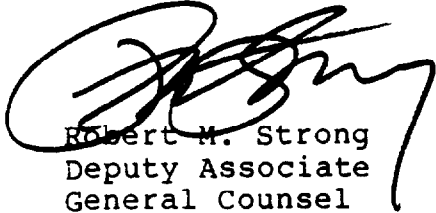
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provided a basis upon which we can reconsider our dismissal of its protest as required by our Bid Protest Regulations. See 4 C.F.R. § 21.12(a); B&B Boat Building Inc.--Reconsideration, B-220852.5, Mar. 3, 1986, 86-1 C.P.D. ¶ 213.

Our Regulations provide that where a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office must be filed within 10 working days of notification of initial adverse agency action. 4 C.F.R. § 21.2(a)(3). A protest is filed for purposes of our timeliness rules when it is received in the General Accounting Office, notwithstanding when it allegedly was sent. 4 C.F.R. § 21.2(b); Yale Materials Handling Corp.--Reconsideration, B-223180.2, June 12, 1986, 86-1 C.P.D. ¶ 548. Moreover, our Office's time/date stamp establishes the time we receive protest materials absent other evidence to show actual earlier receipt. Yale Materials Handling Corp.--Reconsideration, B-223180.2, supra.

We properly dismissed Oxko's protest on October 27 because it was not filed within 10 working days after Oxko received notice of initial adverse agency action on its prior protest to DCA. 4 C.F.R. § 21.2(a)(3). Oxko's bare allegation, contained in its request for reconsideration, that it sent its protest to our Office within the 10 working day period does not provide us with a basis to reconsider our dismissal of its protest because this allegation, even if accepted as being factual, does not alter our finding that the protest (notwithstanding when it was allegedly sent) was not timely filed. 4 C.F.R. § 21.2(a)(3).

The request for reconsideration is dismissed.



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General Counsel