



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Johnson & Gordon Security Incorporated

File: B-225237

Date: December 2, 1986

### DIGEST

Protest, which was initially misaddressed to GAO at address other than that prescribed in our Bid Protest Regulations, is dismissed as untimely where protest was eventually untimely filed in our Office more than 10 days after the basis for the protest was known by the protester.

### DECISION

Johnson & Gordon Security Incorporated (Johnson & Gordon) protests the award of a contract for security services to Guardian Security Agency (Guardian) under solicitation No. GS11PMJC00126, issued by the General Services Administration (GSA). Johnson & Gordon alleges that it was improperly excluded from competing for the award.

We dismiss the protest as untimely.

Johnson and Gordon was the incumbent contractor under a prior contract for the services in question. A solicitation was issued for these services, with bid opening on July 9, 1986. Dean Security Services, Inc. (Dean), submitted the low bid and Johnson & Gordon submitted the next low bid.

On July 30, GSA advised Johnson & Gordon by letter that GSA was not exercising its option to extend Johnson & Gordon's prior contract. Johnson and Gordon asserts that on August 11, after rejecting Dean's bid, GSA contacted Johnson & Gordon to informally inquire whether it would accept an award under its contract option. Johnson & Gordon alleges that when it asked GSA for additional time to reply it was advised on August 13 that GSA considered this a nonacceptance.

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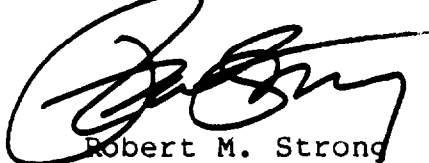
GSA then immediately solicited quotes from five companies, not including Johnson & Gordon. On October 23, Johnson & Gordon learned that a contract had been awarded to Guardian under the second solicitation.

Johnson & Gordon apparently mailed a letter to our Office dated October 23, which was addressed to the "General Accounting Office, Washington, D.C. 20420." Our Office has never received this letter. On November 13, our Office received a congressional inquiry concerning the protest, which includes a copy of the October 23 protest letter from Johnson & Gordon to our Office.

Under our Bid Protest Regulations, protests must be filed within 10 working days after the basis for the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1986). Here, while it appears that Johnson & Gordon may have known its basis for protest on or about August 13, it was clearly aware of its basis for protest on October 23. Johnson & Gordon's protest was not filed (received) in our Office until November 13, more than 10 days thereafter.

Our Bid Protest Regulations, 4 C.F.R. § 21.1(b), state that protests must be addressed as follows: "General Counsel, General Accounting Office, Washington, D.C. 20548, - Attention: Procurement Law Control Group." This address is specified in our regulations in order to assure protesters that mail will be correctly received and routed to the office within the General Accounting Office which is responsible for handling these matters. Gary's Disposal Inc., B-207864, July 23, 1982, 82-2 C.P.D. ¶ 72. It is our experience that protests so addressed are properly delivered.

Here, Johnson & Gordon did not use the address specified in our regulations--the address used was incomplete and it was inaccurate with respect to the zip code. Accordingly, since the protest was not received by our Office within the prescribed 10 working days, the protest is dismissed as untimely. NJCT Corporation--Request for Reconsideration, 65 Comp. Gen. 15 (1985), 85-2 C.P.D. ¶ 385.

  
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