



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Refac Electronics Corp.--Reconsideration  
File: B-226034.2  
Date: February 4, 1987

---

### DIGEST

Dismissal of protest for failure to file a copy with the contracting officer within 1 day after filing with General Accounting Office is affirmed where agency never received copy and otherwise had no knowledge of protest basis; the fact that the protester may have forwarded a copy within the necessary period is not relevant, since the requirement is for receipt by the agency.

---

### DECISION

Refac Electronics Corp. requests that we reconsider our January 16, 1987, dismissal of its protest of the Defense Logistics Agency's award of a contract to a competitor under solicitation No. DLA900-87-T-4398. We dismissed the protest, filed on January 9, because on January 16 DLA advised our Office that Refac had not provided it with a copy of the protest and therefore failed to comply with section 21.1(d) of our Bid Protest Regulations, 4 C.F.R. part 21 (1986). That section states that the contracting officer must receive a copy of the protest within 1 working day after the filing in our Office. Refac asserts that it in fact forwarded a copy of its protest to the contracting activity.

The basis for the 1-day notice requirement in our Regulations 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 of the protest. 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. See California Mobile Communications, B-223614.2, Aug. 19, 1986, 86-2 C.P.D. ¶ 200.

038015

Upon receiving Refac's reconsideration request, we asked DLA to recheck its records to insure the accuracy of the agency's January 16 advice to our Office. In response, DLA has advised that as of January 29 it still had not received a copy of the protest. In the absence of any evidence to the contrary, or that DLA otherwise should have known the basis for Refac's complaint, see California Mobile Communications, B-223614.2, supra, the protest properly was dismissed. Carlyle Van Lines, Inc.--Reconsideration, B-221331.2, Jan. 24, 1986, 86-1 C.P.D. ¶ 89.

Our prior decision is affirmed.

*for* *Seymour E. Gross*  
Harry R. Van Cleve  
General Counsel