

J. [unclear]



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Amtron Corporation

File: B-233978.2

Date: March 2, 1989

DIGEST

Prior decision dismissing a protest as untimely is affirmed where the protest was filed in our Office more than 10 working days after the basis of the protest was known.

DECISION

Amtron Corporation requests reconsideration of our dismissal as untimely of its protest concerning the award of a contract by the General Services Administration to Sprint and AT&T to provide long-distance telecommunications services. Amtron contends that Sprint and AT&T have violated the antitrust laws and improperly denied subcontracting opportunities to minority-owned businesses.

We affirm the dismissal.

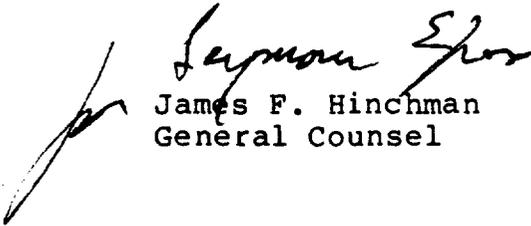
Amtron claims that its protest was timely filed because its protest letter was dated December 16, 1988, 8 calendar days after December 8, the date Amtron states the award to Sprint and AT&T was announced. Amtron's argument is without merit.

To be timely a protest such as Amtron's must be filed with our Office within 10 working days of the date the protester knew or should have known the basis of its protest. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1988). The term "filed" means receipt of the protest in our Office. 4 C.F.R. § 21.0(g). Moreover, our time/date stamp is the only acceptable evidence of the time of receipt of materials related to protests filed in our Office absent affirmative evidence to the contrary to show actual earlier receipt. Consolidated Industrial Skills Corp.--Request for Reconsideration, B-231669.3, Aug. 2, 1988, 88-2 CPD ¶ 109. Because our time/date stamp on Amtron's protest letter shows that it was received at our Office on December 27, more than 10 working days after the basis of the protest was known, Amtron's protest was untimely.

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In any event, to the extent that Amtron contends that Sprint and AT&T have violated the antitrust laws by acting together to improperly restrict subcontracting opportunities for minority long-distance businesses under government procurements where they are the prime contractors, the protest concerns issues which we do not review. Specifically, matters concerning possible violations of the antitrust laws are properly for consideration by the Department of Justice, not our Office. Thermex Energy Corp., B-227034.2, Aug. 17, 1987, 87-2 CPD ¶ 164. Further, we do not review the award of subcontracts except in limited circumstances not present in this case. See 4 C.F.R. § 21.3(m)(10).

Since Amtron has not provided any evidence of factual or legal errors in our prior decision, the dismissal is affirmed.



James F. Hinchman
General Counsel