



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Logics, Inc.--Request for Reconsideration
File: B-235448.2
Date: May 23, 1989

DIGEST

Prior dismissal of a protest as untimely is affirmed where the protest was filed in the General Accounting Office more than 10 working days after the basis for protest was known.

DECISION

Logics, Inc., requests reconsideration of our dismissal of its protest concerning the Department of the Navy's award of a contract to Winding Specialists Co., Inc., under request for proposals (RFP) No. N00383-88-R-3126, for aviation communications control panels. We dismissed the protest because it was not filed within 10 working days of the date the protester knew the basis of its protest, as required by our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1988).

We affirm the dismissal.

Logics contends that its protest was timely filed, because it was dated and mailed on May 3, 1989, within 10 working days of April 20, 1989, the date the protester states it received notification of the award to Winding. Moreover, Logics claims that it orally notified the contracting officer prior to award that Winding's proposal was unacceptable.

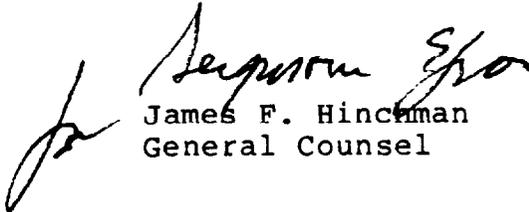
Logic's arguments are without merit. The term "filed" means receipt of the protest in the General Accounting Office. 4 C.F.R. § 21.0(g). Moreover, our time/date stamp is the only acceptable evidence of the time of receipt of materials relating to protests filed in our Office absent affirmative evidence 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. Our time/date stamp on Logic's protest letter shows that it was

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received by our Office on May 8, 1989, more than 10 working days after the basis of the protest was known, and Logic has presented no affirmative evidence to show actual earlier receipt. Further, we point out that the Federal Acquisition Regulation (FAR) does not provide for oral protests, so that Logics' preaward conversation with the contracting officer is not relevant to the protest's timeliness. FAR § 33.101 (FAC 84-40); Fairchild Weston Systems, Inc., B-230224.2, Dec. 19, 1988, 88-2 CPD ¶ 599. Consequently, Logics' protest was untimely.

Although Logics requests that we consider its protest even if we continue to find it untimely, we decline to do so. Our Regulations are intended to provide for expeditious consideration of procurement actions without unduly disrupting the government's procurement process. To waive our timeliness requirements for the protester's sole benefit would only serve to compromise the integrity of those rules. Bill Cole Enterprises, Inc.--Request for Reconsideration, B-232691.2, Oct. 19, 1988, 88-2 CPD ¶ 374.

Since Logics has not shown that our prior dismissal was based on any factual or legal errors, the dismissal is affirmed.


James F. Hinchman
General Counsel