



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** CD-Tabco Products Inc.--  
Reconsideration

**File:** B-252637.2

**Date:** April 12, 1993

John Tahbaz for the protester.

Thomas Westerlund, General Services Administration, for the agency.

Linda S. Lebowitz, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Where letter of protest is first routed to the General Accounting Office (GAO) regional audit office charged with responsibility for letter's subject matter because the letter itself was not readily identifiable as a protest and because the protester failed to mark the envelope to the attention of the Procurement Law Control Group as required by the GAO Bid Protest Regulations, the protest was properly found untimely when it was received by the Procurement Law Control Group more than 10 working days after the protester learned of its basis of protest.

### DECISION

CD-Tabco Products Inc. requests reconsideration of our dismissal of its protest of the rejection of its bid under solicitation No. TFTC-92-MT-7906B, issued by the General Services Administration (GSA), as untimely.

We affirm our dismissal.

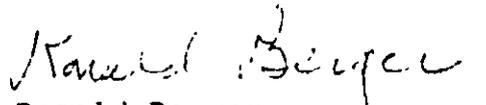
Tabco's protest to our Office, dated February 17, 1993, was not received by our Office until March 11. This protest included GSA's letter of February 9, advising Tabco of GSA's rejection of its bid and the reason for the rejection. The protest was addressed to the "General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548."

Our Bid Protest Regulations provide that for a protest to be timely, it must be filed at the General Accounting Office within 10 working days of when the protester knows of the basis of protest. 4 C.F.R. § 21.2(a)(2) (1993). The term

"filed" regarding protests to our Office means receipt of the protest in the General Accounting Office, 4 C.F.R. § 21.0(g). Further, protests must be filed with us at our headquarters building in Washington, D.C., marked to the attention of the Procurement Law Control Group, and must reasonably be identifiable as a protest. 4 C.F.R. § 21.1(b), (c). Tabco did not address the protest envelope to the attention of the Procurement Law Control Group. Further, because the subject heading of the Tabco letter was "how to keep small business from dying," the Tabco letter was not readily identifiable as a protest. The letter was assigned to one of our Washington, D.C. regional audit offices which works on small business matters. The letter was not received by our Procurement Law Control Group until March 11, 1993.

Since the protest envelope was not properly addressed and the letter was not immediately identifiable as a protest, the protest filing requirements of the Regulations were not satisfied. We therefore must measure the timeliness of the protest from its receipt in the Procurement Law Control Group. See Ferguson Transportation, Inc., B-227083, May 6, 1987, 87-1 CPD ¶ 485. As the protester was aware of its basis of protest by February 17, 1993, at the latest, its protest filed here on March 11 was not timely filed within the required 10-working-day period.

Accordingly, we affirm our prior dismissal.

  
Ronald Berger  
Associate General Counsel