



Office of the General Counsel

B-231201.4

June 27, 1988

The Honorable David L. Boren
United States Senator
621 N. Robinson, Suite 370
Oklahoma City, Oklahoma 73102

Dear Senator Boren:

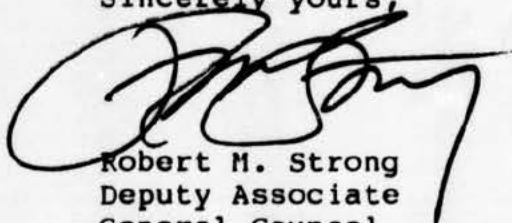
This responds to your letter of June 6, 1988, concerning a bid protest filed in our Office by Data Monitor Systems, Inc., against Federal Aviation Administration (FAA) solicitation No. DTFA-02-88-88003 for audio-visual services.

We received Data Monitor's protest on May 3, 1988. We dismissed the protest on May 10 because on May 9 the FAA advised our Office that Data Monitor had not yet provided a copy of the protest to the contracting officer. In this regard, section 21.1(d) of our Bid Protest Regulations requires that a protester furnish the contracting officer with a copy of the protest within 1 working day after the filing in our Office.

On May 13, we received a letter from Data Monitor requesting that we reconsider our dismissal of the protest on the basis that the firm allegedly mailed a copy of the protest to the FAA on May 3, and because the protest raised a significant issue. We affirmed our dismissal, however, by decision dated May 20. In doing so, we pointed out that our Regulations require that the agency actually receive the protest within the 1-day period--mailing is not sufficient--and there was no evidence to establish such receipt. We also explained the reason for the requirement.

We have enclosed a copy of our May 20 decision for your information. We also are returning the enclosure to your letter, as requested.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Strong', written over the typed name.

Robert M. Strong
Deputy Associate
General Counsel

Enclosures