

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

10,700

FILE: B-193516 (Protest) DATE: July 11, 1979

MATTER OF: Lanier Business Products, Inc.--
Reconsideration

CNG 01045

[Resolution of Timeliness Issue]
DIGEST:

Rule that doubts as to timeliness of protest be resolved in favor of protester does not apply where record clearly shows protester was informed of agency position more than 10 days before protest was filed.

Lanier Business Products, Inc. (Lanier) has asked for reconsideration of our decision in Lanier Business Products, Inc., B-193516, June 8, 1979, 79-1 CPD, where we dismissed its protest as untimely.

Lanier had objected to a sole-source award, alleging that its domestically manufactured equipment would meet the Air Force's requirements. We dismissed Lanier's protest because it was clear from the protester's submissions that it did not file its protest with our Office within the time limit required by our procedures. See 4 C.F.R. Part 20 (1979).

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Lanier, citing Dictaphone Corporation, B-193614, June 13, 1979, 79-1 CPD, now contends that where doubt exists about the timeliness of a protest, the question should be resolved in favor of the protester. In the alternative, the protester argues the matter raises a significant issue which should be considered under 4 C.F.R. 20.2(c) even if the protest is ruled untimely.

Dictaphone Corporation, supra is not applicable to this case since it is clear from the record that Lanier was informed of the agency's position regarding the award to its competitor more than 10 days before Lanier filed its protest. Further, we have already ruled in our prior decision that Lanier has not raised a significant issue which should be considered under the exception to our timeliness rules.

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Our prior decision is affirmed.


Deputy Comptroller General
of the United States