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DECISION

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

FILE: B-195453.2 DATE: August 31, 1979

MATTER OF: Dun's Marketing Services--
Reconsideration

DIGEST:

[Protest Alleging Improprieties in RFP]

Protest directed to GAO against alleged improprieties in RFP filed in GAO 10 minutes after time set for receipt of initial proposals was untimely filed. Fact that contracting agency received copy from protester 18 minutes prior to time set for receipt of initial proposals is not relevant, since "filing" of protest for timeliness purposes means receipt at GAO. Accordingly, prior decision is affirmed.

Dun's Marketing Services (Dun's) has requested reconsideration of our decision in Dun's Marketing Services, B-195453, August 6, 1979, in which we dismissed as untimely Dun's protest under request for proposals (RFP) No. 79-7, issued by the Equal Employment Opportunity Commission (EEOC). For the following reasons, the prior decision is affirmed.

In our August 6, 1979, decision, we held that since the protester alleged that the RFP was restrictive in nature and because the alleged defects were apparent prior to the closing date for receipt of initial proposals, Dun's protest should have been filed prior to the closing date for receipt of initial proposals under section 20.2(b)(1) of our Bid Protest Procedures. 4 C.F.R. part 20 (1979). Since Dun's protest was not filed until 10 minutes after the time set for receipt of initial proposals, we dismissed the protest as untimely.

With its request for reconsideration, Dun's enclosed a copy of the original protest to our Office. This copy was apparently sent by Dun's to the EEOC although it is addressed to our Office. The copy bears an EEOC time/date

stamp which shows that it was received by the EEOC at 3:42 p.m. on July 16, 1979. The RFP set the closing time at 4:00 p.m. on July 16, 1979. Thus, the copy was received at the EEOC exactly 18 minutes before the time set for receipt of initial proposals. Dun's argues that the protest was timely filed since the copy arrived at the contracting agency in a timely manner. Dun's contends that the time of receipt at the contracting activity should be used in determining the timeliness of the protest.

Although the copy of the protest was received by the EEOC prior to the time set for receipt of initial proposals, since the letter was addressed to the General Accounting Office and not the EEOC, the time of receipt at the contracting agency is not relevant to the timeliness issue. National Designers, Inc., B-195353, B-195354, August 6, 1979. Our Bid Protest Procedures clearly define "filed" as "receipt in the General Accounting Office" for protests directed to this Office for resolution. 4 C.F.R. § 20.2(b)(3) (1979).

Accordingly, the prior decision is affirmed.

Deputy Comptroller General
of the United States