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DECISION



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

FILE: B-204427.2

DATE: February 8, 1982

MATTER OF: Hawaii C.A.P. Directors Association, Inc.--
Reconsideration

DIGEST:

Fact that original protest letter--sent by ordinary mail--may have been lost in the mail does not permit our Office to consider an otherwise untimely protest.

In our decision in Hawaii C.A.P. Directors Association, Inc., October 21, 1981, 81-2 CPD 328, we dismissed the Hawaii C.A.P. Directors Association, Inc. (Hawaii C.A.P.), protest because it was received by our Office (through a congressional source rather than directly from the protester) more than 10 working days after Hawaii C.A.P. knew the basis for its protest. The protest was, therefore, untimely filed. See 4 C.F.R. § 21.2(b)(2) (1981).

Hawaii C.A.P. requests that we reconsider our decision because its original protest letter (which we never received) was allegedly mailed to our Office by ordinary mail within 3 working days after it knew the basis of its protest. Consequently, Hawaii C.A.P. argues that we should have timely received the original protest letter sent directly to our Office.

Bidders are cautioned at § 21.2(b)(3) of our Bid Protest Procedures (4 C.F.R. part 21 (1981)) that protests should be transmitted to our Office in a manner which will assure their earliest receipt and that otherwise untimely protests will not be considered unless sent by registered or certified mail not later than the fifth working day prior to the final date for filing a protest. The fact that the protest letter may have been lost in the mail does not permit our Office to consider the untimely protest. Products Engineering Corporation, B-182763, January 29, 1975, 75-1 CPD 65; Domar Buckle Mfg. Corp.--Reconsideration, B-202901.2, August 17, 1981, 81-2 CPD 148.

Accordingly, we affirm our decision

for Milton J. Aroslaw
Comptroller General
of the United States