

DECISION

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

Novovitz
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FILE:

B-219448.2

DATE: August 12, 1985**MATTER OF:**Florida Precision Systems, Inc.--
Request for Reconsideration**DIGEST:**

Under 4 C.F.R. § 21.1(d) and (f) of GAO's Bid Protest Regulations, a protest may be dismissed where the protester fails to furnish a copy of the protest to the contracting officer within 1 day after the protest is filed with GAO. We reverse our earlier dismissal of the protest where the contracting agency was aware of protest basis within 1 day after the protest was filed with GAO.

Florida Precision Systems, Inc. (FPSI) requests reconsideration of our July 17, 1985, dismissal of its protest concerning the cancellation of invitation for bids (IFB) No. DAAA09-85-B-0249 issued by the Army Materiel Command (AMC).

Our earlier dismissal is reversed and the protest is reinstated.

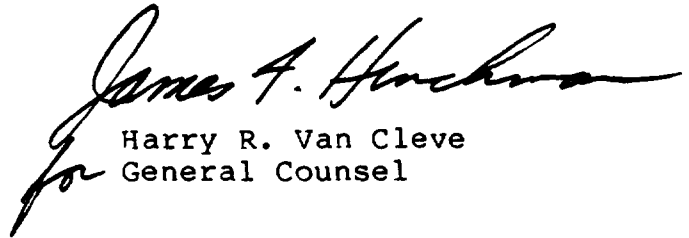
Florida originally protested to our Office on July 8, 1985, but the firm did not furnish the contracting officer with a copy of its protest until July 11, 1985. Since our Bid Protest Regulations require that the protester furnish a copy of its protest to the contracting officer within 1 day after the protest is filed at our Office, we dismissed FPSI's protest. 4 C.F.R. § 21.1(d) and (f) (1985). FPSI requests that we reconsider our dismissal.

Section 21.1(d) of our Bid Protest Regulations provides that the contracting officer must receive a copy of the protest no later than 1 day after the protest is filed with GAO. Whenever a protester fails to furnish a copy of its protest to the contracting officer within this time period, the protest may be dismissed. 4 C.F.R. § 21.1(f). In this case, however, we do not find dismissal of the protest is required. On July 8, 1985 (the date on which FPSI filed its protest with our Office), we transmitted a copy of the firm's protest via a facsimile machine to AMC headquarters. AMC headquarters has advised us that on July 9, 1985, it

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transmitted a copy of the protest via a facsimile machine to the contracting officer. Thus, although the contracting officer did not receive a timely copy of the protest directly from FPSI, he, in fact, received a copy of FPSI's protest (and had actual knowledge of the protest basis), on July 9, 1985, 1 day after the protest was filed with our Office. See Motorola, Inc.--Reconsideration, B-218888.2, June 24, 1985, 85-1 C.P.D. ¶ 719.

Under these circumstances, we reverse our earlier dismissal and reinstate FPSI's protest. A report from the Army responsive to the protest is due 25 days from the date of this decision.


for Harry R. Van Cleve
General Counsel