

DECISION



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

FILE: B-222103.2

DATE: April 17, 1986

MATTER OF: Little People's Productivity Center,
Inc.--Request for Reconsideration

DIGEST:

1. Allegation, unsupported by evidence, that protester may not have received correct information over telephone concerning GAO's address for filing a protest is nevertheless immaterial to the fact protest was untimely filed since protesters are charged with constructive notice of GAO's Bid Protest Regulations.
2. Protests must be filed in writing at GAO and a telephone call to GAO that protester might make does not serve as a constructive filing.

Little People's Productivity Center, Inc. (LPPC), requests reconsideration of our decision, Little People's Productivity Center, Inc., B-222103, Mar. 21, 1986, 65 Comp. Gen. ___, 86-1 C.P.D. ¶ ___, in which we dismissed LPPC's protest for being untimely filed.

We dismissed LPPC's protest because it was received well after 10 working days from the time LPPC was notified (December 30, 1985) of the Air Force's denial of its protest. LPPC, on three successive occasions, misaddressed its protest so that this Office did not receive the protest until over 7 weeks after the Air Force's denial of its protest.

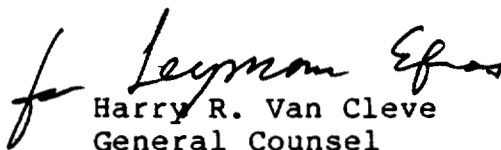
In its request for reconsideration, LPPC again insists that its protest was timely filed at the General Accounting Office (GAO). LPPC states that a GAO employee informed LPPC over the telephone sometime on or before November 25, 1985, that LPPC should first file its protest with the Air Force and then with GAO. LPPC's contention seems to be that since GAO, through its employee, knew that LPPC wished to protest and since instructions were not given LPPC as to the correct address to file its protest at GAO, we should consider the protest as timely. LPPC also insists that after the Air Force denied its protest on December 30, 1985, it filed its protest dated January 7 with GAO.

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Initially, we note that there is no evidence that the GAO employee gave erroneous information to LPPC. In any event, protesters are charged with constructive knowledge of our filing requirements since they are contained in our Bid Protest Regulations which have been published in the Federal Register. Shannon County Gas--Reconsideration, B-218232.2, Apr. 2, 1985, 85-1 C.P.D. ¶ 384. LPPC was accordingly required to comply with our timeliness requirements.

In addition, our Bid Protest Regulations require that protests to this Office be in writing. 4 C.F.R. § 21.1(b) (1985). The mere knowledge by a GAO employee, derived from a telephone conversation, that LPPC might file a protest cannot serve as a constructive filing of LPPC's protest. The earliest record that this Office has of LPPC's filing its protest with GAO is on February 20, 1986. We simply did not receive any of LPPC's written protests until that date because LPPC's first three attempts to file its protest were misaddressed. As we stated in Little People's Productivity Center, Inc., B-222103, supra, the untimely receipt of a protest because it is misaddressed does not excuse the untimeliness.

We affirm the dismissal of LPPC's protest.


Harry R. Van Cleve
General Counsel