

Day PL 2



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Startrite, Inc.

File: B-223845

Date: August 21, 1986

DIGEST

Protest is untimely when the first submission received at the General Accounting Office (GAO) from the protester indicates that the protester knew the basis for its protest more than 10 days prior to GAO's receipt of the protest.

DECISION

Startrite, Inc. protests the rejection of its offer as technically unacceptable under solicitation No. F09603-85-R-1947, issued by the Air Force for saws. Startrite alleges that the agency rejected the saw it proposed because its saw was metric. The protester appears to argue that the Air Force should accept its saw because the agency has accepted metric saws in the past and because metric saws are standard equipment in most industries. We dismiss the protest as untimely.

According to Startrite, it mailed a protest letter to our Office on June 18, 1986, complaining about the rejection of its offer. This letter had an incorrect zip code for this Office. On July 30, the protester sent us a copy of the June 18 letter; we received the copy on August 6. We ultimately received the original letter of June 18 on August 19.


Our Bid Protest Regulations state that protests to this Office other than those alleging solicitation improprieties must be filed not later than 10 days after the basis for the protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1986). The term "filed" means receipt of the protest submission in the General Accounting Office. Id. § 21.2(b).

In this case, we did not receive anything from the protester until August 6, at which time we received a submission indicating that the protester knew of the basis for its protest at least as early as June 18. Since Startrite did not file

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its protest until more than 10 days after June 18, the protest is untimely. See Hexagon Honeycomb Corp.-- Reconsideration, B-219316.2, Aug. 1, 1985, 85-2 CPD ¶ 117. The fact that our failure to receive the protester's June 18 letter in a timely manner may have been due to the protester's use of an incorrect zip code does not alter this result. See Little People's Productivity Center, Inc., B-222103, Mar. 21, 1986, 65 Comp. Gen. ____, 86-1 CPD ¶ 286.

The protest is dismissed.



Ronald Berger
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