



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Vaisala Inc.--Request for Reconsideration
File: B-228428.2
Date: December 10, 1987

DIGEST

Dismissal of protest for failure to furnish contracting agency with a protest copy within 1 day of filing is affirmed since requirement is not satisfied by fact that protester had filed an agency-level protest and orally notified agency that agency-level protest and General Accounting Office protest were the same.

DECISION

Vaisala Inc. requests reconsideration of our October 27, 1987, dismissal of its protest of the requirements contained in request for proposals (RFP) No. N00140-87-R-5095, issued by the Navy Regional Contracting Center (NRCC), Philadelphia. We dismissed the protest because Vaisala failed to furnish the designated contracting agency personnel with a copy of its protest within 1 day after that protest was filed with our Office as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1987).

We affirm our dismissal.

Vaisala originally filed its protest with NRCC by letter of September 17. NRCC denied this protest by letter of September 24. Vaisala then filed its protest, apparently based on the same grounds, with our Office on October 6. However, Vaisala did not file a copy of this protest with NRCC. On the basis of these facts, we dismissed the protest.

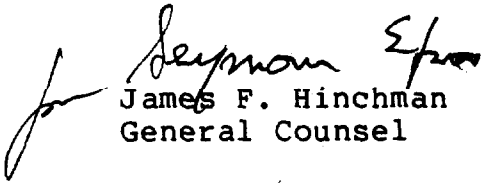
Vaisala requests reconsideration on the basis that its failure to provide NRCC with a copy of the protest filed with our Office did not prejudice NRCC in the preparation of its report since that protest was identical to the one

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originally filed with NRCC. Further, the protester states that after it filed its protest with our Office, it advised legal counsel at NRCC that its two protests were identical.

We require a protester to furnish a copy of its protest to the contracting officer within 1 day of its filing with us so that the contracting agency has an adequate opportunity to prepare its report. Gilbert-Tucker Associates, Inc.--Request for Reconsideration, B-220731.2, Nov. 12, 1985, 85-2 CPD ¶ 541. Even though Vaisala contends that it raised the same issues in its protest to our Office as it had in its previous protest to the agency,^{1/} the agency-level protest cannot be considered to have satisfied the requirement in 4 C.F.R. § 21.1(d) since without a copy of the protest to our Office the agency cannot know whether its administrative report in response to the protest must address the same or different issues as those raised before it. Trinity Machinery & Associates, Inc.--Request for Reconsideration, B-221653.2, May 15, 1986, 86-1 CPD ¶ 465. Regarding Vaisala's contention that it had orally informed NRCC of the bases of its protest to our Office, NRCC advises us that Vaisala did not inform it of the protest grounds until 10 days after the protest was filed with our Office. In any event, even if the oral notice were timely, we do not believe that such an oral representation is a reliable or adequate substitute for the requirement for actual receipt of a protest copy by the contracting activity within 1 day of filing the protest. See Canvas & Leather Bag Co. Inc., B-227889.2, July 24, 1987, 87-2 CPD ¶ 89.

Our dismissal is affirmed.


James F. Hinchman
General Counsel

^{1/} The protester has not provided us a copy of its September 17 protest to the agency.