



Comptroller General  
of the United States  
Washington, D.C. 20548

M. Miller

## Decision

**Matter of:** East West Research, Inc.--Reconsideration

**File:** B-238039.2

**Date:** February 27, 1990

**Richard Snyder**, for the protester.

Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### **DIGEST**

Protest challenging alleged solicitation impropriety in request for quotations (RFQ) is untimely when received in General Accounting Office after 5:30 p.m. on the RFQ's closing date.

### **DECISION**

East West Research, Inc., requests reconsideration of our dismissal of its protest under request for quotations (RFQ) No. DLA400-90-T-2223, issued by the Defense General Supply Center (DGSC) for solder.

We affirm the dismissal.

The RFQ's closing date was December 12, 1989. On that date East West electronically transmitted its protest to our Office by facsimile machine. The facsimile was received at 7:06 p.m.<sup>1/</sup> We dismissed the protest as untimely.

In its request for reconsideration, East West argues that the fact that the protest was transmitted after close of business at our Office does not mean that it was untimely. Rather, East West contends that since the facsimile was transmitted and received before midnight on December 12, the

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<sup>1/</sup> The protester's facsimile shows that the protest was transmitted from Novato, California, on December 12, and arrived in our Office at 4:06 p.m., Pacific Time. Converted into Eastern Standard Time, the facsimile arrived at 7:06 p.m.

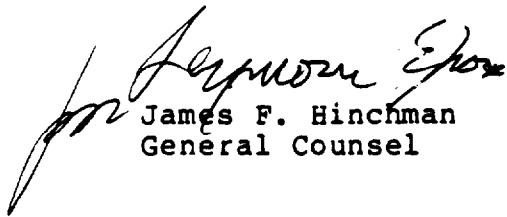
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RFQ's closing date, its protest was timely filed. We disagree.

East West protested that the solicitation was defective because DGSC refused to include East West's product in the RFQ's item description. Under our Bid Protest Regulations, protests such as East West's, which are based upon alleged improprieties in a solicitation, must be filed by the solicitation's closing date. 4 C.F.R. § 21.2(a)(1) (1989); ACCESS for the Handicapped, B-234233, May 15, 1989, 89-1 CPD ¶ 458. Further, our Regulations provide that the "[t]ime for filing any document or copy thereof with the General Accounting Office expires at 5:30 p.m., Eastern Standard Time . . . on the last day on which such filing may be made." [Emphasis added.] 4 C.F.R. § 21.0(e).

The RFQ's closing date was December 12; accordingly, East West's protest against the alleged solicitation impropriety had to be received in our Office by 5:30 p.m., Eastern Standard Time, on that date. Since the protest was not received in our Office until 7:06 p.m., it is untimely.

The dismissal is affirmed.



James F. Hinchman  
General Counsel