

J. Melody
143556



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The Protectoseal Company--Reconsideration

File: B-243307.2

Date: April 4, 1991

R. H. Miller for the protester.
John M. Melody, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Dismissal of protest as untimely filed is affirmed on reconsideration where protester argues that it was not on notice of agency's February 14 denial of its agency-level protest until February 27, since March 14, the date protest was filed, is 11 working days after February 27; under Bid Protest Regulations, protests must be filed within 10 working days after notice of denial of agency-level protest.

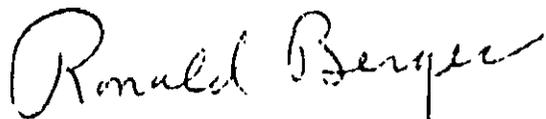
DECISION

The Protectoseal Company requests reconsideration of our March 15, 1991, decision dismissing its protest of the rejection of its offer under solicitation No. FCNO-90-J201-N, issued by the General Services Administration. We dismissed the protest as untimely because it was not received in our Office until March 14, more than 10 working days after the protester learned of the agency's February 14 denial of the firm's January 4 agency-level protest. Under our Bid Protest Regulations, protests must be filed in our Office no later than 10 working days after the protester knows or should know of the agency's initial adverse action on an agency-level protest. 4 C.F.R. § 21.2(a)(3) (1991).

Protectoseal argues in its reconsideration request that its protest in fact is timely since it did not receive the agency's February 14 letter until February 27. Even measuring from this date, however, the protest is untimely. March 14 is 11 working days after February 27, not 10 working days as Protectoseal assumes. Protectoseal's protest letter is dated March 13 and may have been sent on that date, but a protest is not deemed to be filed until it is actually received in our Office. 4 C.F.R. § 21.0(g). The time/date stamp on

Protectoseal's letter shows it was received here at 11:52 a.m. on March 14. See Custom Programmers Inc., B-235716, Sept. 19, 1989, 89-2 CPD ¶ 245.

The dismissal is affirmed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the typed name and title.

Ronald Berger
Associate General Counsel