



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Laboratory Systems Services, Inc.--
Reconsideration

File: B-249566.2

Date: August 18, 1992

DECISION

Laboratory Systems Services, Inc. (LSSI) requests reconsideration of our dismissal of its July 27, 1992, protest of the award of a contract to Finnigan Corporation under request for proposals (RFP) 92-24(N), issued by the Department of Health and Human Services.

We deny the request for reconsideration.

We dismissed as untimely LSSI's protest because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1992). It was clear from the record that LSSI was aware of the agency's bases for not selecting LSSI for award as of July 10, 1992, yet LSSI did not file its protest with our Office until 11 working days later on July 27.

In requesting reconsideration of our dismissal of its protest as untimely, LSSI contends that a courier service--Airborne Express--attempted to file LSSI's protest with our Office on Friday, July 24, which would have been within 10 working days of when LSSI learned of its bases for protest. However, according to an Airborne Express "airbill history" provided by LSSI, our Office was closed when Airborne Express attempted to file LSSI's protest on July 24 at 3:12 p.m., and consequently, Airborne Express was unable to file LSSI's protest until the next working day--July 27. LSSI concludes that because our Office was closed on July 24, that day cannot count as a working day, and its protest filed on July 27 was timely.

Contrary to LSSI's assertion, our Office was open for receipt of bid protests on July 24 at 8:30 a.m. and remained open until 5:30 p.m., in accordance with our Bid Protest Regulations, 4 C.F.R. § 21.0(e) (1992). In fact, according to our records, bid protests and documents pertaining to bid

protests were filed with our Office throughout the day, with 10 documents pertaining to bid protests, and 2 bid protests, being filed by hand-delivery between 3:12 p.m. and 5:30 p.m.

The request for reconsideration is denied.



Robert M. Strong
Associate General Counsel