



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

B-202416.2

August 3, 1981

The Honorable Bill Bradley
United States Senate

Dear Senator Bradley:

We refer to your letter of June 3, 1981, forwarding a letter of May 6, 1981, from Digital American Computers (Digital), concerning our decision in Digital American Computers, Inc., B-202416, April 17, 1981, 81-1 CPD 299.

In that decision, we dismissed Digital's protest because it was not filed within 10 working days of the date that Digital was aware that its earlier protest to the contracting agency had been denied, as required by section 21.2(a) of our Bid Protest Procedures, 4 C.F.R. part 21 (1981). Digital received the denial of its protest to the contracting agency on February 19, 1981. Digital's protest to us was received on March 9, 1981--12 working days later.

In its letter of May 6, Digital argues that our decision was incorrect concerning the date that Digital's protest was filed with us. Digital points out that the date of its protest letter was March 4, 1981--within the 10-working-day limit. However, section 21.2(b)(3) of our Bid Protest Procedures provides that the term "filed," for the purposes of determining the timeliness of a protest, means receipt in GAO, not the date of mailing.

Also Digital refers to our timeliness regulations as "technical gimmicks" and implies that we do not hold large corporations to the same standards of timeliness that we impose on small businesses. The time limitations prescribed in our Bid Protest Procedures are not waivable technicalities. Their purpose is to provide expeditious consideration of bid protests without unduly burdening Government procurements. As a consequence, we enforce these time limits strictly. Of course, we enforce the limits equally for all protesters, whether they are large or small businesses.

[Timeliness Enforcement Under Bid Protest Procedures]

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We trust that this will allow you to respond adequately to Digital's inquiry.

As you requested, we are returning your letter and the letter from Digital.

Sincerely yours,

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

Enclosures - 2