

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-218467.2 **DATE:** May 21, 1985
MATTER OF: Cartridge Actuated Devices, Inc. -
Reconsideration
DIGEST:

1. Protester that failed to furnish a copy of its protest to the contracting officer 1 day after filing with GAO failed to comply with the Bid Protest Regulations.
2. Protest not properly filed within 10 working days after the protester was notified orally of basis for protest is untimely.

Cartridge Actuated Devices, Inc. (CAD), requests reconsideration of our dismissal of its protest against cancellation of invitation for bids (IFB) NOO104-85-B-0046 issued by the Naval Supply Systems Command. We dismissed the protest because CAD failed to furnish a copy of the protest to the contracting officer within 1 day after the protest was filed with our Office.

We conclude that the protest was properly dismissed.

Section 21.1(d) of the Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1985), requires that the protester furnish a copy of its protest to the contracting officer within 1 day after it is filed here. The contracting officer did not receive a copy of the protest until 7 days later.

A protest which is not filed with the contracting officer 1 day after filing with our Office is properly dismissed. Storage Technology Corporation, B-218148.2, Mar. 11, 1985, 64 Comp. Gen. _____, 85-1 C.P.D. ¶ 300; Marconi Electronics, Inc.--Reconsideration, B-218088.3, Mar. 8, 1985, 64 Comp. Gen. _____, 85-1 C.P.D. ¶ 289; Brunk Tool and Die Co., B-218154.2, Mar. 6, 1985, 64 Comp. Gen. _____, 85-1 C.P.D. ¶ 282.

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CAD contends that, if its original protest cannot be considered, its protest refiled with our Office on April 19, 1985, with a copy to the contracting officer, should be considered. However, the refiled protest is untimely.

Our Bid Protest Regulations require that in order for a protest of the sort involved here to be considered by our Office, it must be filed within 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1985). In this case, the contracting office reports that CAD was orally advised of the cancellation of the IFB on April 2, 1985. In that connection, we note that CAD's original protest letter dated April 3, 1985, disagreed with the cancellation communicated to it. The April 3 letter of protest stated "we're informed . . . that the solicitation is being cancelled . . . We protest this cancellation." While CAD maintains that it did not have to file the protest until 10 working days after it received the written notice on April 8, 1985, the written notice is not germane in this case, since CAD was advised of the cancellation on April 2, 1985, and the notice merely repeated the cancellation. We have recognized that oral notification of the basis for protest is sufficient to start the 10-day period running and that a protester may not delay filing its protest until receipt of the written notification which merely reiterates the basis for protests. The Bendix Corp., B-214142, Mar. 12, 1984, 84-1 C.P.D. ¶ 285.

Accordingly, the prior dismissal is affirmed and the request issued to the Navy for a formal report after receipt of the request for reconsideration is canceled. See 4 C.F.R. § 21.3(f) (1985).

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General Counsel