



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Sunbelt Properties, Inc.--Reconsideration

**File:** B-249666.2

**Date:** August 28, 1992

John Powell Walker for the protester,  
Linda C. Glass, Esq., and Michael R. Golden, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

### DIGEST

For purposes of establishing timeliness, a protest is filed when actually received by our Office. Protester relying on telefax equipment to file protest bears the risk of untimely receipt of protest by the General Accounting Office.

### DECISION

Sunbelt Properties, Inc. requests reconsideration of our August 4, 1992, dismissal of its protest challenging the specifications under request for proposals (RFP) No. 9-92-075, issued by the Department of Housing and Urban Development. We dismissed the protest as untimely because it was based upon alleged improprieties in the solicitation and was filed after the closing time for receipt of initial proposals.

We affirm our dismissal.

By facsimile (FAX) transmission of August 3, 1992, at approximately 4:31 p.m., Sunbelt filed a protest letter dated July 31, 1992, with our Office arguing that the solicitation was ambiguous and the specifications were inadequate. Sunbelt stated in its protest that the closing date for receipt of proposals was August 3, 1992, at 2 p.m. Based on the information included in Sunbelt's protest, we dismissed the protest as untimely filed with our Office. In its reconsideration request, Sunbelt states that it timely notified HUD of its protest with a copy of its letter to our Office and that trouble on our FAX line prevented it from filing the protest with our Office until after the deadline for receipt of proposals had passed.

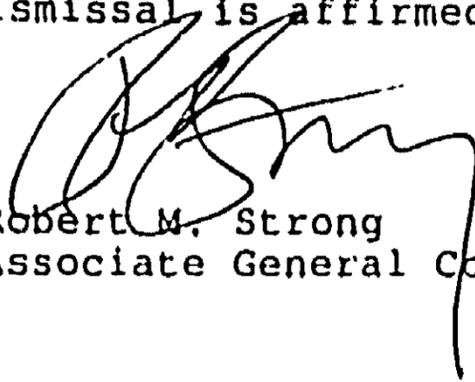
Our Bid Protest Regulations require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing time for receipt of initial

147103

proposals must be filed prior to the closing time, 4 C.F.R. § 21.2(a)(1); Englehard Corp., B-237824, Mar. 23, 1990, 90-1 CPD ¶ 324. The term "filed" means "receipt of the protest . . . in the General Accounting Office," 4 C.F.R. § 21.0(g). A copy of a protest addressed to our Office filed at the agency does not meet this requirement. When using FAX equipment, a protester assumes the risk that the protest will not be received at our Office in a timely manner. Danville-Findorff, Inc.--Recon., B-242934.2, Mar. 21, 1991, 91-1 CPD ¶ 313.

Since Sunbelt's protest concerned alleged improprieties in the solicitation and was not filed with our Office until after the time set for receipt of initial proposals, the protest was properly dismissed as untimely filed.

The dismissal is affirmed.



Robert M. Strong  
Associate General Counsel