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DECISION

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

[Request for Reconsideration

FILE: B-193695 **DATE:** July 21, 1980

MATTER OF: Security Assistance Forces and Equipment International Inc.--Reconsideration

DIGEST:

Protest is filed when actually received in General Accounting Office. Where protest letters were sent to contracting officer for forwarding to our Office and were received by us more than 1 month after closing date for receipt of proposals, protest against allegedly restrictive specifications is untimely and will not be considered on merits. Request for reconsideration is denied.

Security Assistance Forces and Equipment International Inc. (SAFE) requests reconsideration of our decision B-193695, June 9, 1980, 80-1 CPD ____, in which we dismissed as untimely SAFE's protest insofar as it was based upon allegedly restrictive specifications. SAFE's request for reconsideration is denied.

In the June 9, 1980, decision, we held that SAFE's protest to us was untimely because it was filed in our Office more than 10 days after the contracting activity's initial adverse action on SAFE's protest filed with the contracting activity. SAFE argues that we erred in treating its protest as having been filed initially with the contracting activity because the letters were actually addressed to the Comptroller General of the United States but were sent "through" the contracting officer in Germany for forwarding to our Office in the United States. SAFE contends that, since its protest letters were sent to the contracting officer with ample time for the contracting officer to forward the letters to our Office before the proposal due date, the protest was timely filed in our Office.

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Our Bid Protest Procedures, 4 C.F.R. part 20 (1980), require that bid protests against allegedly improper specifications "shall be filed prior to bid opening or the closing date for receipt of initial proposals" (4 C.F.R. § 20.2(b)(1)) and define "filed" as "receipt * * * in the General Accounting Office" for protests directed to this Office (4 C.F.R. § 20.2(b)(3)). See National Designers, Inc., B-195353, B-195354, August 6, 1979, 79-2 CPD 86. A protest to our Office must be in writing and should be addressed to the General Counsel, General Accounting Office, Washington, D.C. 20548 (4 C.F.R. § 20.1(b)), and it is the protester's responsibility to ensure the most rapid means of transmittal to our Office. See Karl Doll GmbH, B-187109, August 30, 1976, 76-2 CPD 205.

SAFE did not send its protest letters directly to our Office as required by our protest procedures. Instead it addressed its letters to the Comptroller General of the United States "through" the contracting officer in Germany. Although the contracting officer received the protest letters prior to the closing date for receipt of proposals, the letters were not received in our Office until more than 1 month after the proposal due date. Since the protest was not filed with us until after the proposal due date, we do not consider the protest to have been timely filed even if it was intended to be a protest to our Office rather than to the contracting agency. See Karl Doll GmbH, supra. See also our recent decision in Security Assistance Forces and Equipment International Incorporated, B-195196, B-195196.2, July 10, 1980, 80-2 CPD ____.

Shelton J. Cocolas

For the Comptroller General
of the United States