

**DECISION**



*R. Feldman*  
*11/2*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

8271

FILE: B-191712

DATE: November 3, 1978

MATTER OF: Superior Technical Services--  
Reconsideration

DIGEST:

Request for reconsideration received in GAO more than 10 days after basis for reconsideration is known is untimely and not for consideration.

By letter received in our Office on October 2, 1978, Superior Technical Services (Superior) requests reconsideration of our decision in Superior Technical Services, B-191712, September 11, 1978. Superior protested the award of a contract by the Army to its competitor, Laird Enterprises (Laird). The contract encompassed the preparation and production of an estimated 15,000 manuscript pages over a one year period with renewal options. We denied Superior's protest based on our determination that the contracting officer reasonably concluded that Laird was a responsible firm within the meaning of the solicitation's special responsibility criteria.

The crux of Superior's request for reconsideration concerns whether Laird met the special standard of responsibility of the solicitation requiring:

- "(3) the offeror to provide evidence of having produced material similar to that required by the RFP at the rate of at least 1,500 pages per month within the past twelve months." (Emphasis supplied)

The protester contends that the contractor is primarily a print shop and does not specialize in the production of manuscript pages and therefore did not meet this specification.

As noted in our decision, the record was not clear as to whether Laird's invoices were reviewed by the survey team to determine whether the firm, in fact, had produced 1,500 pages per month of similar material within the past 12 months. Therefore, we requested the Army to perform a supplemental survey to determine whether, at the time of award, Laird met the prior production requirement. A plant visit was made and invoices were checked for the period March 1977 through March 1978. The Army determined, as stated in our decision, "that during this time Laird produced printed pages of similar material at monthly levels ranging from 30,000 plus to 89,000 plus." (Emphasis supplied.)

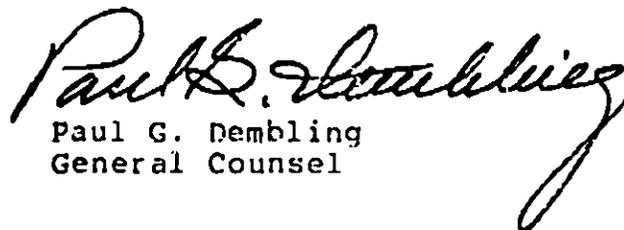
We have been advised by Superior that it received our decision on September 13. Subsequently, Superior received a copy of the supplemental survey and supporting documents. In addition to noting Laird's monthly production levels of "similar material," the survey information also indicated the types of printed work represented by the invoices. Upon a review of this information, Superior concluded that Laird submitted "erroneous information" to the survey team. Superior alleges that the invoices which were reviewed represent "printing rather than preparation of manuscript pages." Superior buttresses its contention that Laird supplied "erroneous information" to the Army by mathematically determining the number of employees that would be required to meet the monthly production schedule of between 30,000 and 89,000 plus pages for the "similar" work represented in the supplemental survey. Superior contends that Laird's work force is significantly below the approximately 400 employees Superior estimates would be required to meet this schedule.

We believe that Superior's request for reconsideration is untimely. Section 20.9(b) of our Bid Protest Procedures, 4 C.F.R. 20.9(b) (1977), provides that requests for reconsideration must be received in our Office not later than 10 days after the basis for reconsideration is known or should have been known. The basis for Superior's protest concerns its contention that Laird is primarily engaged in printing documents

or other matter rather than the preparation of manuscripts and that Superior has not met the special standard of responsibility which requires the offeror to provide evidence that it "produced material similar to that required by the RFP." However, this basis for reconsideration should have been apparent to Superior upon receipt of our decision on September 13 where we stated that the "Army determined that during this time Laird produced printed pages of similar material \* \* \*" The supplemental survey, while providing a detailed description of the material represented by the invoices, did not provide different information which would justify filing a new protest or request for reconsideration. Furthermore, the information used in its mathematical formula to determine the number of employees necessary to perform this work was readily apparent from our decision which noted the outside limits of Laird's production schedule and from the monthly estimate of work in the RFP. Since the basis for reconsideration should have been known when Superior received our decision on September 13, its request for reconsideration received on October 1 is untimely. Colonie Builders, Inc./Norflor Construction Corp., A Joint Venture-Reconsideration, B-191290, June 22, 1978, 78-1 CPD 455.

We point out, however, that in view of the protester's allegations we have checked informally with the Army regarding Laird's contract performance. We are informed that Laird is satisfactorily performing the work required by the contract.

Superior's request for reconsideration is dismissed.

  
Paul G. Dembling  
General Counsel