

M. Eaton
PLII

DECISION



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

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FILE: B-196432.6

DATE: August 13, 1980

MATTER OF: Technical Industries, Inc. - Request for Reconsideration

DIGEST:

1. Second request for reconsideration of decision is dismissed where protester has not shown dismissal of original request for reconsideration as untimely filed was improper under GAO Bid Protest Procedures.
2. Since GAO Bid Protest Procedures and their time constraints have been published in Federal Register, parties are charged with constructive notice of contents.

Technical Industries, Inc. (Technical) requests that we reconsider our decision in Technical Industries, Inc.--Reconsideration, B-196432.4, July 17, 1980, 80-2 CPD, in which we dismissed as untimely that firm's request for reconsideration of Fisher Berkeley Corporation; International Medical Industries, B-196432, B-196432.2, January 9, 1980, 80-1 CPD 26.

In the January opinion, we recommended that the Veterans Administration (VA) terminate a contract with Technical, the third lowest bidder for a nurse call system at the VA Medical Center in Miami, Florida, if either of the lower bidders was acceptable, since the agency had unfairly excluded them from the competition by applying its specifications too strictly.

Technical, requesting reconsideration, acknowledged that it was aware of our decision and that it had been formally notified of contract "cancellation" on April 24; however, its request for reconsideration was not filed until June 25. We dismissed the matter because our Bid Protest Procedures, 4 C.F.R. § 20.9 (1980), require that a request for reconsideration,

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including a detailed statement of the factual and legal grounds for reversal or modification, be received in this Office not more than 10 working days after the basis for the request is known or should have been known. Technical's request clearly was not received within the time specified.

In its most recent communication, received by our Office on July 24, Technical argues that the January decision was arbitrary and capricious and that it was "contrary to the wording of the specifications * * * and contrary to VA interpretation of those specifications." In addition, Technical states that the VA failed to enclose "appellate/protest" procedures with its notice of cancellation or to advise the firm where such procedures could be found. Technical further points out that the VA did not notify the firm of its action until April.

While it is unfortunate that Technical apparently was not specifically advised how to request reconsideration, our Bid Protest Procedures and their time constraints have been published in the Federal Register, and parties must be charged with constructive notice of their contents. Post Marketing Corporation, B-197472, January 28, 1980, 80-1 CPD 76.

Technical's second request for reconsideration is therefore dismissed.

Harry R. Van Cleave

for Milton J. Socolar
General Counsel