

Donahue

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DECISION



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

FILE: B-198803.3

DATE: January 22, 1981

MATTER OF: Rosa Pen Co., Inc.--Reconsideration

DIGEST:

[Request for reconsideration] of protest decision filed more than 10 working days after it appears protester learned of grounds for requesting reconsideration is untimely.

Rosa Pen Co., Inc. (Rosa) request that we reconsider our decision Rosa Pen Co., Inc., B-198803.2, November 18, 1980, 80-2 CPD 366, in which we dismissed Rosa's protest of the refusal of the Small Business Administration (SBA) to issue it a Certificate of Competency. Rosa now states that its protest is directed toward the actions of procurement agency officials rather than of the SBA.

The request for reconsideration is untimely.

Our Bid Protest Procedures, 4 C.F.R. § 20.9(b)(1980), require that requests for reconsideration be filed within 10 working days after the basis for reconsideration is known or should have been known.

Rosa's request, however, was filed on December 29, 1980, 27 working days after issuance of the decision. Although there is no indication when Rosa received the decision, we have held that it is reasonable to assume that a protester will have received the decision not later than one calendar week after its issuance, or, as

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in Rosa's case, November 25, 1980. Labconco Corporation-
Reconsideration, B-198284, June 6, 1980, 80-1 CPD 395.
Since it therefore appears that the reconsideration
request was not filed within the 10-day period provided,
it is dismissed.



Milton J. Socolar
General Counsel