

MARTIN
PL2

15927



DECISION

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

FILE: B-199819.2

DATE: January 22, 1981

MATTER OF: Richard Bercutt - [Request for
Reconsideration of Bid Rejection]

DIGEST:

Request for reconsideration is denied because, while protester strongly disagrees with prior decision, he submits no facts, arguments or points of law which were not previously considered during review of procurement in connection with initial protest.

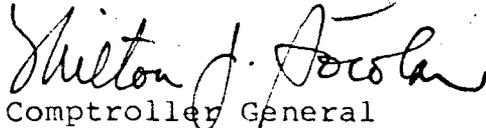
[Richard Bercutt has requested reconsideration of our decision] of October 28, 1980 (80-2 CPD 324) denying his protest with respect to invitation for bids (IFB) No. R5-14-80-116 issued by the U.S. Forest Service, Department of Agriculture. [The Forest Service rejected Bercutt's bid] for "cull tree felling" because the bid included the following statement: "On condition that work commencement be contracted to begin after August 21, 1980." As the IFB required work to begin within 10 calendar days after notice to proceed, and to be completed 25 calendar days thereafter, [we agreed with the agency that Bercutt's bid was nonresponsive because it limited the agency's right to issue an effective notice to proceed as it saw fit and thereby limited the completion date of contract performance.]

Section 20.9(a) of our [Bid Protest Procedures], 4 C.F.R. part 20 (1980), [requires that a request for reconsideration contain a detailed statement of the factual or legal grounds which allegedly warrant reversal of a decision of our Office and be submitted within 10 working days after the basis for reconsideration is known or should have been known.] By letter dated November 20, 1980 and received in this Office on November 28,

~~014591~~ 114186

1980, [Mr. Bercutt submitted his request for reconsideration which included a statement indicating his strong disagreement with the conclusion we reached with respect to his protest. He did not, however, submit any facts, arguments or points of law which were not previously considered in our review] of the record of this procurement. Indeed, he concedes his initial protest argued all of the points presented in his request for reconsideration and states "Again I will reiterate and add to my argument." Therefore, his request provides no basis for considering the matter further. [United States Management Corporated, B-189784, February 1, 1978, 78-1 CPD 92. Moreover, [we question the timeliness of Mr. Bercutt's request inasmuch as it appears it was received in this Office more than 10 working days from the time Mr. Bercutt should have received our decision] of October 28.

[The request for reconsideration is denied.]



For the Comptroller General
of the United States