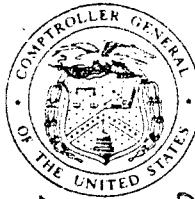


DECISION



17678
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

Adl Diskriter, Inc.
FILE: B-200578.2

DATE: April 8, 1981

MATTER OF: Dictaphone Corporation -- Reconsideration

DIGEST:

- [Request for Reconsideration]*
1. Interested party's request for reconsideration of decision sustaining protest against issuance of delivery order to that firm will not be considered where firm was apprised of protest and afforded opportunity to submit comments but failed to do so.
 2. Protest filed in GAO more than 10 working days after basis for protest is known or should have been known is untimely.

DL 606454
Diskriter Inc. requests reconsideration of our decision Dictaphone Corporation, B-200578, February 18, 1981, 60 Comp. Gen. ___, 81-1 CPD ___, in which we recommended that the Veterans Administration (VA) cancel a delivery order which has been issued for a Lanier Business Products, Inc., dictation system, and that a new request for quotations (RFQ) be issued. This recommendation, made in response to a protest by Dictaphone Corporation, was based on our finding that the contracting officer failed to properly evaluate Dictaphone's low quotation in response to the VA's RFQ with respect to the requirement for interconnect devices to allow telephone access to central recorders.

Diskriter was Lanier's distributor for the items covered in the delivery order. The company argues that the VA's evaluation of Dictaphone's quotation in fact was correct regarding the interconnect devices. Diskriter also protests that Dictaphone's response to the RFQ was deficient with respect to items other than the interconnect devices, and thus Dictaphone should not have received the delivery order for the system in any event.

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Section 20.9(a) of our Bid Protest Procedures, 4 C.F.R. § 20.9(a) (1980), provides that reconsideration of a decision of the Comptroller General may be requested by any interested party who submitted comments during consideration of the protest. Both Diskriter and Lanier were advised of Dictaphone's protest, furnished copies of the VA's November 1980 report on it, and afforded the opportunity to submit comments during our consideration of the matter. However, neither firm commented. Accordingly, we will not reconsider our February 18 decision. See Dictaphone Corporation, B-191003, July 14, 1978, 78-2 CPD 38.

Regarding Diskriter's allegation of deficiencies in Dictaphone's quotation which were not involved in Dictaphone's protest, the VA's November 1980 report which was furnished to the firm included a copy of Dictaphone's protest and response to the RFQ. Upon receipt of that report Diskriter knew or should have known that the VA would have issued a delivery order to Dictaphone but for the interconnect device problem.

Our Bid Protest Procedures require bid protests to be filed not later than 10 working days after the basis for protest is known or should have been known. 4 C.F.R. § 20.2(b)(2). Accordingly, Diskriter should have protested any alleged deficiencies in Dictaphone's quotation other than the one in issue in Dictaphone's protest within 10 working days after receipt of the report. Since the firm did not raise those matters within that period, they are untimely and will not be considered on the merits.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel