

Boyle
19562

DECISION



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

FILE: B-203461.2

DATE: September 28, 1981

MATTER OF: Pascual Maggio--Reconsideration

DIGEST:

1. Prior decision will not be reconsidered because request for reconsideration does not specify factual or legal grounds for modification or reversal.
2. Protest, which alleges for the first time in September 2, 1981, reconsideration request, that the amount of available funding was not recorded prior to bid opening as required by the solicitation is untimely under 4 C.F.R. § 21.2(b)(2) (1981), since the basis of protest was or should have been known on the date of the bid opening, May 19, 1981, and filed within 10 working days of that date.

Pascual Maggio requests reconsideration of our decision in the matter of Pascual Maggio, B-203461, August 24, 1981, 81-2 CPD 169, dismissing Maggio's untimely protest against the propriety of the award scheme in invitation for bids (IFB) No. N62472-80-B-4973 issued by the Navy for certain construction alterations.

On reconsideration, first, Maggio restates the basis of his protest which he fully presented for our consideration in the earlier decision. Second, Maggio raises a new basis of protest stating that the amount of funds available for the project was not recorded prior to bid opening. He states that the funding level was not announced until after bid opening.

Requests for reconsideration must contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed

~~018681~~ 116468

warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.9(a) (1981); Data General--Reconsideration, B-197776, August 22, 1980, 80-2 CPD 139. Here, Maggio has not presented any additional facts or legal arguments which show that our earlier decision was erroneous. Therefore, we decline to reconsider our August 24, 1981, decision.

The new basis of protest raised by Maggio with his reconsideration request filed here on September 2, 1981, alleges that the amount of funding available for the project was not recorded prior to bid opening as required by the IFB. Maggio notes that the funding level was announced after all the bids were read at the bid opening on May 19, 1981. We conclude that Maggio's new basis of protest is untimely under 4 C.F.R. § 21.2(b)(2) (1981) because the protest was not filed within 10 working days of the date that the basis of protest was or should have been known. In our view, Maggio knew or should have known on May 19, 1981, all the information upon which his new basis of protest is based, but the matter was not raised within 10 working days. See Skyways, Inc., B-201541, June 2, 1981, 81-1 CPD 439. Thus, this new basis of protest will not be considered on the merits.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel