

DECISION



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

FILE: B-208786.2

DATE: November 3, 1982

MATTER OF: Mitek Systems, Inc.

DIGEST:

When request for reconsideration of dismissal based on protester's failure to seek a debriefing for one month following notice of award to a competitor does not include any new facts or point out any clear error of law, GAO affirms prior dismissal.

Mitek Systems, Inc. requests reconsideration of a decision dismissing its protest against award of a contract by the Naval Regional Contracting Center, Long Beach, California. In Mitek Systems, Inc., B-208786, September 24, 1982, 82-2 CPD 274, we found that by not requesting a debriefing until one month after the Navy announced an award to DataWare Development, Mitek had not diligently pursued the information on evaluation of proposals that formed the basis for its protest.

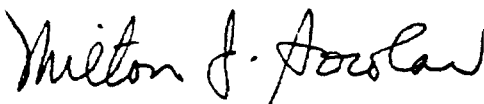
Mitek now argues that it protested to the Navy on Monday, August 16, the first possible date following its debriefing of Friday, August 13. According to Mitek, the Navy informed the firm that it would forward this "official protest" to our Office. Mitek also states that nine days after the debriefing it sent out formal letters of protest with next-day delivery guaranteed by the U.S. Postal Service. The firm argues that its protest therefore was filed within the 10 days required by our Bid Protest Procedures, 4 C.F.R. § 21.2 (1982).

Mitek misunderstands the basis for our dismissal of its protest. Although the Navy did not forward any "official protest" to us, we received Mitek's letter giving us direct notice of the protest on August 26. As we indicated in our decision, there was therefore

no question that it had been filed within 10 working days of the debriefing, and we did not dismiss the protest on this ground.

Rather, we considered the protest untimely because more than a month had elapsed between Mitek's notice of the award to DataWare--by receipt of a Navy letter dated July 7--and Mitek's August 6 request for a debriefing. As we stated in our decision, protesters must diligently pursue information that forms the basis for their protests, and if they do not do so within a reasonable time, our Office will dismiss later-filed protests. In our opinion, Mitek waited an unreasonably long time before either seeking a debriefing or protesting to the Navy or to our Office.

In its request for reconsideration, Mitek has not presented any facts which we did not previously consider and has not pointed out any errors of law. Our prior dismissal therefore is affirmed.

for 
Comptroller General
of the United States