

**DECISION**

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

**FILE:** B-218030.2      **DATE:** July 3, 1985  
**MATTER OF:** Atkinson Dredging Company

**DIGEST:**

GAO will dismiss a request for reconsideration of a prior decision when it is filed more than 10 working days after receipt by the protester. While the Bid Protest Regulations provide for consideration of untimely protests when a significant issue is involved or good cause is shown, there is no similar exception applicable to requests for reconsideration.

Atkinson Dredging Company requests reconsideration of our decision dismissing as untimely a protest filed on Jan. 18, 1985. See Atkinson Dredging Co., B-218030, Apr. 30, 1985, 85-1 CPD ¶ 492. We dismiss the request.

Section 21.12(b) of our Bid Protest Regulations requires that requests for reconsideration be filed with our Office within 10 working days after the basis for reconsideration is known or should have been known, whichever is earlier. 4 C.F.R. § 21.12(b) (1985). Atkinson states in its request that it received notice of our decision from its attorneys on Saturday, May 4. Atkinson's request for reconsideration was filed 12 working days later on May 21, 1985.

Atkinson attributes its filing delay to the fact that on May 10 the U.S. Army Corps of Engineers had awarded it the contract (for maintenance dredging of the Tangier Island channels in Accomack County, Virginia) that had been the subject of its protest. Atkinson had submitted the second-low bid, and low bidder, Norfolk Dredging Company, was determined by the agency to be nonresponsible. On May 17, the Corps notified Atkinson that it could not proceed to perform the contract because Norfolk had protested the nonresponsibility determination to the

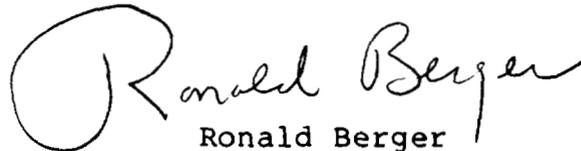
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agency. Faced with the possibility that Norfolk may regain the contract, Atkinson seeks reconsideration of our dismissal of its protest.<sup>1/</sup>

While our regulations provide for our consideration of untimely protests where a significant issue is involved or good cause is shown, 4 C.F.R. § 21.2(c), there is no similar provision regarding untimely requests for reconsideration. Instead, the timeliness standards for the filing of requests for reconsideration are purposefully more inflexible than those for filing protests. U.S. Financial Services, Inc.--Reconsideration, B-195945.6 et al., Nov. 3, 1981, 81-2 CPD ¶ 376.

Atkinson's untimely request for reconsideration is therefore dismissed.



Ronald Berger  
Deputy Associate  
General Counsel

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<sup>1/</sup> After Atkinson's request was filed, the Corps issued a notice to proceed to the firm, and it apparently is now performing the contract. On June 14, Norfolk protested the nonresponsibility determination to our Office, arguing that issuance of the notice to proceed constituted initial adverse agency action on its protest to the Corps. This protest, B-219381, is currently in development.