

PLEASE

DECISION



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

FILE: B-221631.2 **DATE:** January 30, 1986

MATTER OF: G&L Oxygen and Medical Supply Services--
Request for Reconsideration

DIGEST:

1. Request for reconsideration filed more than 1 year after decision is issued is untimely.
2. Agency decision as to whether to exercise contract renewal option is generally a matter of contract administration which is not for review under bid protest function.

G&L Oxygen and Medical Supply Services (G&L), alternately protests or requests reconsideration of our decision in G&L Oxygen and Medical Supply Services, B-216489, Dec. 21, 1984, 84-2 CPD ¶ 686, in connection with the Veterans Administration (VA) decision to award contract No. 631-3-85 for the supply of home oxygen services and the maintenance of all support equipment for home-bound VA beneficiaries.

G&L originally protested the award of this contract to another firm by letter dated September 19, 1984. At that time, G&L argued that it submitted the lowest bid and that it should have been awarded the contract. Our decision denied G&L's protest and specifically found that although G&L had submitted the lowest monthly rental cost, an award to another firm was proper since that firm was the low bidder based on the total amount of work to be awarded. We recognized that the VA's evaluation methodology was not specifically set forth in the invitation for bids (IFB), but that the agency's actions were proper in view of the requirement that award be made on the basis of the most favorable cost to the government.

G&L states that it only recently became aware that VA would exercise the option under the current contract rather than resolicit. Based on this information, G&L again alleges that the exact basis upon which bids were evaluated was not disclosed to G&L and that the VA did not select the lowest overall bid.

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Although G&L alternatively describes its submission as a protest or a request for reconsideration, in essence, G&L is requesting simply that we reconsider and reverse our prior decision; we note that G&L's grounds for protest are the same as those considered and rejected in our prior decision. This request is clearly untimely. Our Bid Protest Regulations, require that a request for reconsideration be filed within 10 working days of when the protester knows or should have known the basis for reconsideration, whichever is earlier. 4 C.F.R. § 21.12(b) (1985). In these circumstances, a request for reconsideration filed more than one year after the decision is issued is untimely. Novak Co., Inc.--Reconsideration, B-217023.2, Jan. 25, 1985, 85-1 CPD ¶ 101.

To the extent G&L is challenging VA's decision to exercise the option under the current contract rather than resolicit, we point out that such a decision is a matter of contract administration which is not for review under our bid protest function. Excel Services, Inc., B-217184 et al., May 8, 1985, 85-1 CPD ¶ 514; Tri-States Service Co., B-208567, Jan. 17, 1983, 83-1 CPD ¶ 44.

The request for reconsideration is dismissed.

Ronald Berger

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General Counsel