

DECISION



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

FILE: B-220852.5

DATE: March 3, 1986

MATTER OF: B&B Boat Building, Inc.--Reconsideration

DIGEST:

Request for reconsideration is dismissed where protester merely reiterates previously denied argument that regulations requiring the timely filing of requests for reconsideration should be waived.

B&B Boat Building, Inc., for the third time requests reconsideration of our decision dismissing its protest. In our original decision, B&B Boat Building, Inc., B-220852, Oct. 28, 1985, 85-2 CPD ¶ 478, we concluded that the Bureau of Reclamation, Department of the Interior, had properly rejected B&B's bid as nonresponsive due to B&B's failure to comply with a material requirement of the solicitation. We dismissed as untimely B&B's initial request for reconsideration which was filed more than 6 weeks after issuance of our decision. B&B Boat Building, Inc.--Reconsideration, B-220852.3, Dec. 24, 1985, 85-2 CPD ¶ 713. In its second request for reconsideration, B&B characterized as "meaningless technicalities" our Bid Protest Regulations which require at 4 C.F.R. § 21.12(b) (1985) that requests for reconsideration be filed within 10 days and argued that these regulations should not have been applied in its case since we did not inform the protester of their existence. We dismissed the request for reconsideration, explaining the rationale behind our regulations and noting that since our regulations are published in the Federal Register and the Code of Federal Regulations, protesters are charged with constructive notice of them. B&B Boat Building, Inc.--Reconsideration, B-220852.4, Jan. 22, 1986, 86-1 CPD ¶ ____.

In its most recent request for reconsideration, B&B reiterates the arguments which it has made in its previous submissions. It again characterizes our regulations as a "technicality" and contends that we have from the outset sought to dismiss its protest and have disregarded the evidence which it has submitted.

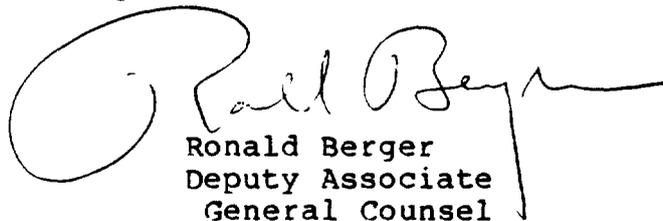
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We have already explained that our timeliness requirement is more than a technicality and that our Office will strictly adhere to it. Further, we based our original decision on evidence submitted by B&B which indicated that it had bid on a 38-foot workboat rather than the 36-foot workboat required by the solicitation. B&B furnished no evidence nor did it argue that the boat which it bid in response to the solicitation satisfied the contracting agency's 36-foot requirement.

We dismiss the request for reconsideration.



Ronald Berger
Deputy Associate
General Counsel