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R-I

DECISION



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

FILE: B-221954.2 **DATE:** May 2, 1986

MATTER OF: Langfur Construction Corp.--
Reconsideration

DIGEST:

A request for reconsideration of a decision dismissing a protest is denied where the protester does not show that the prior decision was factually or legally incorrect in holding that submission of an information copy of an agency-level protest is not sufficient to constitute a timely protest to the General Accounting Office.

Langfur Construction Corp. requests reconsideration of our decision in Langfur Construction Corp., B-221954, Feb. 27, 1986, 86-1 CPD ¶ 207, in which we dismissed as untimely the firm's protest of the award of a contract to Holtze Brothers under invitation for bids No. F05600-85-B-0083, issued by Lowry Air Force Base, Colorado.

In our prior decision, we found that Langfur's protest was untimely because it had been filed on February 4, 1986, more than 10 working days after Langfur's receipt of an Air Force letter dated December 20, 1985 that denied an agency-level protest by Langfur. We noted in our prior decision that although Langfur had sent our Office an information copy of a December 13 mailgram addressed to the contracting officer in which it referred to its protest to the Air Force, the mailgram neither set forth any reasons why Langfur believed rejection of its bid and the award to another firm was improper nor requested a ruling by the Comptroller General. Therefore, we held, it was not sufficient to constitute a protest to our Office under our Bid Protest Regulations, 4 C.F.R. § 21.1(b) (1985). Langfur provided the requisite detailed statement of its basis of protest in a January 27 letter to our Office which, as noted above, we received on February 4.

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In its request for reconsideration, Langfur asserts that it timely protested to our Office on December 20, 1985. Langfur submits U.S. Postal Service receipts showing that on that date our Office received a mailing that, according to Langfur, included both the December 13 mailgram and a transmittal letter from Langfur. Langfur indicates that it believed, on the basis of oral advice supposedly provided by our Office, that submission of these materials was all that was necessary to file a protest here. Apparently there was a misunderstanding. Our regulations, which are published in the Federal Register and of which Langfur therefore has constructive notice, clearly require more than the submission of a copy of a protest that is filed with the procuring agency, since we have always viewed such a submission as merely informational and not as an actual protest to this Office. That is why our regulations require a firm indication that a decision on the matter from this Office is being sought. Langfur's asserted December 20 submission simply did not satisfy that requirement.

For a firm to prevail on reconsideration, it must establish that the initial decision was factually or legally incorrect or present information that was not previously considered. 4 C.F.R. § 21.12(a). As indicated, Langfur has not shown any basis for reconsideration.

We therefore deny the request for reconsideration.

for *Seymour Epos*
 Harry R. Van Cleve
 General Counsel