

C. Evans



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Caelus Devices, Inc.--Reconsideration

File: B-241336.3

Date: December 14, 1990

Edward F. Hill for the protester.
Catherine M. Evans, Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Request for reconsideration of decision is denied as untimely where filed more than 10 days after the basis for reconsideration was known or should have been known.

DECISION

Caelus Devices, Inc. requests reconsideration of our dismissal of its protest under Navy solicitation No. N00104-90-R-K071. Caelus primarily objected to the Navy's and the Army's allegedly disparate treatment of Caelus and the awardee, respectively, under existing contracts. We dismissed Caelus' protest by notice dated September 28, 1990, for failure to state a valid basis of protest. Caelus filed its request for reconsideration on December 6.

Under our Bid Protest Regulations, 4 C.F.R. § 21.12(b) (1990), a request for reconsideration must be filed no later than 10 days after the basis for reconsideration was known or should have been known--in this case, no later than 10 days after Caelus received our dismissal notice. Absent evidence to the contrary, we presume that a decision reached the addressee within 1 calendar week after issuance. Big State Enters., B-218055.2, June 13, 1985, 85-1 CPD ¶ 680. In its request, Caelus alleges it "never saw" our decision. However, Caelus subsequently informed us by telephone that the decision was "lost" between two of its office locations. Under the circumstances, we consider the decision to have been received by the firm within 1 calendar week after it was issued. As Caelus did not request reconsideration for nearly 2 months thereafter, the request is untimely. See id.

Caelus requests that our Office conduct an investigation of the Navy's actions surrounding the procurement. However, our Office does not conduct investigations as part of our bid

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protest function. Hi Chem Diagnostics, B-238838, May 22,
1990, 90-1 CPD ¶ 493.

The request for reconsideration is denied.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in black ink and is positioned above the typed name and title.

Ronald Berger
Associate General Counsel