

DECISION



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

FILE: B-206436.2

DATE: May 10, 1982

MATTER OF: Ronald L. Cain, M.D.--Reconsideration

DIGEST:

Prior decision dismissing protest as untimely is affirmed and will not be reconsidered under 4 C.F.R. § 21.9(b) (1981) since request for reconsideration was not filed within 10 working days after the basis for reconsideration was known or should have been known.

Counsel for Ronald L. Cain, M.D. (Cain), requests reconsideration of our decision in the matter of Ronald L. Cain, M.D., B-206436, March 12, 1982, 82-1 CPD 232. That decision concluded that the protest was untimely and, therefore, our Office would not consider the merits of Cain's protest against the allegedly unfair evaluation of its proposal and an improper award of contract No. 243-81-0029 to P.S., Inc., under a request for proposals issued by the Department of Health and Human Services.

On April 19, 1982, counsel for Cain filed this reconsideration request, which is untimely under our Bid Protest Procedures (4 C.F.R. part 21 (1981)), and, therefore, is dismissed.

Our Procedures, 4 C.F.R. § 21.9 (1981), require that requests for reconsideration be filed within 10 working days after the basis for reconsideration is known or should have been known. Since Cain's basis for requesting reconsideration is its disagreement with the conclusion of our March 12, 1982, decision, any request for reconsideration should have been filed here within 10 working days of the date it received our decision. We have held that it is reasonable to assume that a protester will have received our decision within a week of its issuance. Labconco Corporation--Reconsideration, B-198284, June 6, 1980, 80-1 CPD 395.

Therefore, Cain's request for reconsideration, filed here on April 19, 1982, does not meet our requirement for timely filing. See Rosa Pen Co., Inc.--Reconsideration, B-198803.3, January 22, 1981, 81-1 CPD 34.

Accordingly, Cain's reconsideration request is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel