



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Stones River Electric, Inc.—Reconsideration

File: B-270473.2

Date: December 19, 1995

DECISION

Stones River Electric, Inc. requests reconsideration of our decision of November 24, 1995, in which we dismissed its protest of the rejections of its bid as nonresponsive by the Department of the Navy under invitation for bids No. N62467-95-B-5037.

We deny the request for reconsideration.

Stones submitted a bid in the name of Stones River Electric, Inc.; its bid bond, however, was in the name of Stones River Utilities, Inc. The Navy rejected the bid as nonresponsive. In its initial protest, Stones asserted that the rejection was improper because it and Stones River Utilities are the same entity. Stones insisted that the bond was enforceable and that rejection of its bid and award to a higher bidder was inappropriate. We dismissed the protest as untimely because it was filed more than 14 calendar days after the protester initially received actual or constructive knowledge of adverse agency action on its protest.

On reconsideration, Stones contends that its protest was timely filed on its "face" because the protest was dated and postmarked before the 14 day filing requirement. However, the term "filed" under our Bid Protest regulations means actual "receipt of the protest or other submissions" in our Office. Section 21.0(g), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.0(g)).

Stones also asserts that we should consider its protest for "good cause." Under our Regulations we may consider an untimely protest for "good cause." Section 21.2(c), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(c)).

That term refers to a compelling reason beyond the protester's control that prevented it from filing a timely protest. Central Texas College, B-245233.5, Feb. 6, 1992, 92-1 CPD ¶ 151. Stones has not offered any reason—aside from its apparent unfamiliarity with protest filing requirements and procedures, which does not constitute good cause—why it could not have filed its protest in a timely manner. See Marathon LeTourneau Sales & Serv. Co., B-254258, Aug. 3, 1993, 93-2 CPD ¶ 77.

The request for reconsideration is denied.

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