

DOCUMENT RESUME

03867 - [A2733963]

[Reconsideration of Untimely Protest]. B-189948. September 27, 1977. 2 pp.

Decision re: Arctic Engineers and Constructors; Global Marine Development Inc.; Global Marine, Inc.; by Robert F. Keller, Acting Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law II.  
Budget Function: General Government: Other General Government (806).

Organization Concerned: Coast Guard.

Authority: 4 C.F.R. 20.2(b)(1). 4 C.F.R. 20.9. B-187310 (1977).  
B-187403 (1977). B-187821 (1977).

The protesters requested reconsideration of the dismissal of their protest of a proposed contract award as untimely. The prior decision was affirmed since the protest was based on alleged specification defects and not on an alleged improper rejection of the protester's proposal. The prior decision was not factually or legally erroneous. (Author/SC)

9913  
03227

**DECISION**



R. Barger  
Page II

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

**FILE:** B-189948

**DATE:** September 27, 1977

**MATTER OF:** Arctic Engineers and Constructors/Global Marine  
Development Inc./Global Marine, Inc.

**DIGEST:**

Prior decision dismissing protest as untimely because not filed prior to closing date for receipt of proposals is affirmed since protest was based on alleged specification defects and not on alleged improper rejection of protester's proposal and prior decision therefore is not factually or legally erroneous.

Arctic Engineers and Constructors/Global Development Inc./Global Marine, Inc. (Arctic) requests reconsideration of our decision B-189948, August 30, 1977, 77-2 CPD 163, dismissing as untimely Arctic's protest on the proposed award of a contract under request for proposals (RFP) No. GC-74401-A, by the United States Coast Guard.

In that decision we held that the protest, which was based on alleged specification deficiencies, was untimely filed because it was not filed prior to the closing date for receipt of initial proposals as prescribed by section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. 20.2(b)(1) (1977).


Arctic now premises its request for reconsideration on the rejection of its proposal and states that it only learned of the rejection shortly before the protest was filed. The original protest, however, was directed solely to various alleged defects in the specification, and not to any improper agency action in rejecting the proposal.

Requests for reconsideration will be honored only where it is shown that the original decision contained an error of fact or law. 4 C.F.R. 20.9; Uniroyal, Inc.--request for reconsideration, B-187310, B-187403, January 14, 1977, 77-1 CPD 33; Ziegler, Inc.--Request for Reconsideration, B-187821, June 17, 1977, 77-1 CPD 437. Although it was the Coast Guard's rejection of Arctic's proposal that precipitated the protest, the fact remains that the protest

B-189948

went to alleged specification defects, and as such was clearly untimely. Moreover, to the extent Arctic might suggest that we should now consider its protest as going to rejection of its proposal, we point out that new issues will not be considered for the first time on reconsideration. See Shnitzer, Handling Bid Protests Before GAO/Edition II, Briefing Papers 77-4, August 1977.

The request for reconsideration is denied.

  
Acting Comptroller General  
of the United States