

DECISION



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

10,206

FILE: B-194014

DATE: May 16, 1979

MATTER OF: Hooper Holmes, Inc. - Reconsideration

DIGEST:

1. Previous decision dismissing protest as untimely is affirmed where protest deals with one procurement only and has no wider impact.
2. Reconsideration on grounds of information not previously considered will be granted only when GAO overlooked information in its possession or when parties present newly discovered information after decision which could not have been communicated by exercise of due diligence prior to GAO decision.

DLG-01359

Hooper Holmes, Inc. has requested reconsideration of our decision B-194014, March 30, 1979. That protest was dismissed as untimely pursuant to our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1978). We noted in our decision that the protest did not raise issues significant to procurement practices which would permit us to consider the merits despite the untimely filing. 4 C.F.R. § 20.2(c) (1978).

Hooper now urges reconsideration, restating its position that the question raised (the propriety of a sole source procurement of credit reference services) from Equifax, Inc. by the Small Business Administration (SBA) is significant to procurement generally. ←

CNG-02223 *AGC00002*

Hooper suggests that our decision "may have been based on less than complete awareness of all the facts involved." As Hooper points out, in its original submission it speculated that this procurement was not "publicly advertised." Hooper advises that subsequently, the SBA confirmed that it conducted the procurement on a sole source basis without "public advertising" relying upon the authority of 41 U.S.C. § 252(c)(10) (1976). On the basis of this additional data, Hooper

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requests that we address the merits of its protest, finding the existence of a significant issue.

A significant issue would necessarily be one which has wide implications. The unsupported allegation that SBA has improperly conducted one noncompetitive procurement is not of sufficient impact to warrant consideration of Hooper's untimely protest.

Generally, we will grant reconsideration where a protest states in detail,

"the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered." 4 C.F.R. § 20.9(a) (1978).

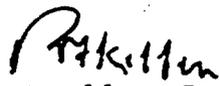
The information Hooper supplies in its request was not previously considered. However, it has no bearing on our original determination that no significant issue was raised, since it essentially confirms an assumption made in the original protest.

We also note from Hooper's request that the information it now offers was known to it shortly after it filed its initial protest. In correspondence with this Office three weeks prior to our decision, Hooper made no mention of the information it now suggests is so crucial as to warrant reconsideration. Reconsideration of a protest on the ground of "information not previously considered" does not mean that a protester may withhold information relevant to its claim in the hope of obtaining reconsideration of an unfavorable decision. Rather, reconsideration upon the basis of new information is appropriate when information which was presented to this Office during the course of the original protest was overlooked in arriving at the decision, or when information comes to light after our decision has been rendered, which the parties could not have obtained in the exercise of due diligence prior to the decision. We anticipate that such instances will be rare, and Hooper does not present such a case.

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Since we find no basis warranting reconsideration,
our previous decision is affirmed.


Deputy Comptroller General
of the United States