

DECISION



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

FILE: B-207604.2 **DATE:** September 28, 1982

MATTER OF: NCR Corporation, Micrographics Systems
Division--Reconsideration

DIGEST:

Prior decision is affirmed where protester, having stated one version of relevant facts and argument during initial protest which was dismissed as untimely, in request for reconsideration, attempts to rephrase facts to cure untimeliness, which facts are disputed by agency, has not shown error of fact or law to warrant reversing prior decision.

NCR Corporation, Micrographics Systems Division (NCR), requests reconsideration of our decision in NCR Corporation, Micrographics Systems Division, B-207604, June 11, 1982, 82-1 CPD 567. There, we dismissed NCR's protest against the Army's placing of an order with a competitor under a General Services Administration Automatic Data Processing Schedule contract as untimely filed.

We based the dismissal on NCR's statement in its protest that "NCR did formally protest to Aberdeen Proving Grounds (AA). Procurement, MISO and Legal Advisors met with NCR and have verbally said they will not revoke their decision" and that upon the Army's advice, the above meeting occurred on March 4, 1982. We read NCR's characterization of the meeting as clearly adverse to NCR's position. Consequently, we found NCR's May 24, 1982, protest to our Office untimely under 4 C.F.R. § 21.2(a) (1982), which requires protesters to file with CAO within 10 working days after initial adverse agency action on protests filed initially with contracting agencies.

In seeking reconsideration, NCR seeks to change its characterization of the March 4, 1982, meeting. NCR now states that "The meeting which occurred on March 4, 1982, was positive in nature." We have been advised by the Army that the tenor of the meeting on

March 4, 1982, was clearly negative, as reflected in a contemporaneous memorandum of the meeting, notwithstanding NCR's characterization to the contrary. We do not find that NCR has shown an error of fact or law in our prior decision in view of the above and its statement in its original protest letter.

Accordingly, our prior decision is affirmed.

Harry D. Chas. C. M.
for Comptroller General
of the United States