

DECISION

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

FILE:

B-213452.2

DATE:

April 18, 1984

MATTER OF:

Adams-Keleher, Inc.--Request for
Reconsideration

DIGEST:

1. Where basis for request for reconsideration is merely an argument that was considered and rejected in original decision, original decision is affirmed.
2. Protest filed later than 10 working days after the basis for the protest was known by the protester is untimely and not for consideration.

In our decision in Adams-Keleher, Inc., B-213452, March 6, 1984, 84-1 CPD _____, we concluded that Adams-Keleher, Inc. (AKI), had not affirmatively proven its contention that it improperly had never been requested to submit a price quotation for a 48-port system under Environmental Protection Agency (EPA) oral solicitation No. WA-83-D965. We reached this conclusion because the only evidence before our Office was conflicting statements by the protester and EPA.

AKI requests that we reconsider our decision for two reasons. First, it points out that the \$69,631.96 figure which EPA "computed" as the price of an AKI 32-port bridge system was also alleged by EPA to be the price that AKI submitted as its quotation for a 48-port bridge system. AKI argues that this proves it was not requested to quote on the latter system because its price would not have been the same for both systems. Second, AKI contends that EPA incorrectly used for bid evaluation purposes a figure of \$4,631.96 as the cost of buying out the AKI lease of a 16-port bridge system even though EPA records allegedly show the cost quoted by AKI as \$35,631.96.

As regards the first basis for the request for reconsideration, AKI raised the same argument in its original protest. We considered and rejected that argument. Where the basis for a request for reconsideration consists

028599

merely of an argument that was considered in the decision upon which reconsideration is requested, the original decision will be affirmed and the request for reconsideration denied. Twigg Corporation--Request for Reconsideration, B-204243.3, January 5, 1982, 82-1 CPD 12.

The second basis of the request for reconsideration, involving the \$4,631.96 figure, is untimely. AKI knew the facts concerning this basis of protest when it received a copy of the EPA report in late November-early December 1983. It did not contest these facts until its request for reconsideration, dated March 14, 1984. Under our Bid Protest Procedures, a protest must be filed within 10 working days after the basis for the protest was known by the protester. 4 C.F.R. § 21.2(b)(2) (1983). Because AKI did not protest these facts within 10 working days after it learned of them, its protest based upon them now is untimely and not for consideration.

Accordingly, we affirm our original decision.

for Milton J. Aroslan
Comptroller General
of the United States