

DECISION



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

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FILE: B-216284.2

DATE: October 22, 1984

MATTER OF: King-Fisher Company--Reconsideration

DIGEST:

Protest against agency request that bidders revive expired bids by extension of bid acceptance period is untimely when protest is filed with GAO more than 10 days after protester was advised of the request.

King-Fisher Company (King-Fisher) requests reconsideration of our decision in the matter of King-Fisher Company, B-216284, Sept. 24, 1984, 84-2 C.P.D. ¶ _____. In that decision, we denied King-Fisher's protest that it was low bidder based on its revised price submitted when it granted the Department of the Army's request for an extension of the bid acceptance period for invitation for bids (IFB) No. DAHA30-84-D-0005. We noted that King-Fisher's extension beyond the initial 60 days which also revised its bid price downward had the effect of displacing the low bidder under the IFB. We concluded that to allow King-Fisher to modify its bid in this case after public bid opening and exposure of bid prices would be tantamount to permitting it to submit a second bid after bid opening, contrary to competitive bidding principles, citing Milwaukee Valve Co., Inc., B-205937, June 14, 1982, 82-1 C.P.D. ¶ 575.

King-Fisher requests reconsideration contending, in effect, that we failed to consider its point that the contracting officer improperly allowed bidders to revive their bids 28 days after expiration of the bid acceptance period. The protester asserts that the original bids were "dead" and could not be revived because the requests for extension to the three low bidders were not made timely. King-Fisher contends that our decision condones this improper practice. The protester now argues the requirement should have been resolicited.

We dismiss this request for reconsideration.

Initially, to the extent King-Fisher argued in its initial protest to our Office, and now argues, that the Army's request that bidders extend their bids made after the initial bid acceptance period had expired was improper, this issue is filed untimely with our Office.

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Our Bid Protest Procedures require that a protest, in order to be considered, must be filed (received) in our Office not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1984).

King-Fisher knew on August 13, 1984, when it was requested to extend its bid acceptance period, of the Army's intent to revive bids after the initial bid acceptance period had expired. Consequently, King-Fisher was required to file its protest within 10 days of this date. King-Fisher's protest, however, was not received in our Office until September 4 and, therefore, is untimely.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel