

**DECISION**

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

32056

**FILE:** B-219595.2**DATE:** August 22, 1985**MATTER OF:** Radva Corporation**DIGEST:**

1. Request for reconsideration will be considered untimely where, based on presumption that the protester received the original decision within one week after its issuance, request is filed more than 10 working days after the protester knew or should have known the basis for its reconsideration request.
2. Protester will not prevail on its request for reconsideration where protester merely renews its original argument and fails to show any error of law or fact warranting reversal of original decision.

Radva Corporation requests reconsideration of our decision, Radva Corp., B-219595, July 26, 1985, 85-2 CPD ¶ \_\_\_\_, in which we dismissed Radva's protest concerning request for proposals (RFP) No. N62745-85-R-0038, issued by the Navy for construction of family housing units at Comiso Air Station, Sicily, Italy. We dismiss the request for reconsideration as untimely.

In our prior decision we held that the Navy had properly refused to consider Radva's late hand-carried proposal since there was no showing that wrongful government action was the paramount cause of the delay. Rather, as Radva conceded, the delay was due to difficulties with the plane Radva chartered to deliver its proposal to the contracting activity's office in Madrid, Spain.

Radva also stated that its representative telephoned the contracting officer shortly before the hour set for receipt of proposals to notify him of the delay in delivery. According to Radva, the contracting officer said that he would be at the Madrid office until the proposal was delivered. In reliance on that statement,

Radva concluded that its proposal would be accepted even if delivered late. As a result, Radva argued, it was improper for the contracting officer then to reject its proposal as late.

Our Bid Protest Regulations, 4 C.F.R. § 21.12(b) (1985), require that requests for reconsideration be filed with our Office within 10 working days after the basis for reconsideration is or should be known. Radva's request was received by our Office on August 19, 16 working days after the date of our initial decision, July 26. Generally, we presume that a decision will reach the addressee within 1 calendar week after issuance. Big State Enterprises, B-218055.2, June 13, 1985, 85-1 CPD ¶ 680. Under this presumption, Radva's reconsideration request, to be timely, should have been received by August 16.

In any event, to prevail on a request for reconsideration, the requester must convincingly show an error of either law or fact in our earlier decision. Ross Bicycles, Inc.--Request for Reconsideration, B-219485.2, July 31, 1985, 85-2 CPD ¶ \_\_\_\_\_. Here, Radva does no more than renew its original contention that the contracting officer led it to believe that its proposal would be accepted. As we stated originally, even if the contracting officer had told Radva that its late proposal would be accepted, the contracting officer had no authority to accept the late proposal. Thus, despite any assurances to the contrary, Radva's late proposal was required to be rejected. See Edward E. Mundy Trucking and Lumber Co., B-212277, Aug. 8, 1983, 83-2 CPD ¶ 183.

The request for reconsideration is dismissed.



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