

DECISION

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

FILE: B-220618.2 **DATE:** November 27, 1985

MATTER OF: Marco Crane & Rigging Co.--Request
for Reconsideration

DIGEST:

GAO affirms prior dismissal of protest, which appeared untimely on its face, where protester did not present in its protest the relevant available facts establishing the timeliness of its protest.

Marco Crane & Rigging Co. (Marco) requests reconsideration of our October 4, 1985, dismissal of its protest against the Department of the Interior's rejection of its bid under invitation for bids (IFB) No. 5-51-30-03230. We dismissed the protest as untimely under 4 C.F.R. § 21.2(a)(2) (1985).

We affirm our prior dismissal.

Bid opening was August 22, 1985, and Marco learned that its bid was rejected as nonresponsive on September 3, 1985. However, Marco did not file its protest here until October 3, 1985. Under 4 C.F.R. § 21.2(a)(2), protests must be filed within 10 working days of the date the basis for protest was first known or should have been known. Since Marco's protest was filed more than 10 working days after it knew the basis for its protest, we dismissed the protest as untimely.

Marco alleges in its request for reconsideration that the protest was treated unfairly, that the dates on its submission must have been misread or misinterpreted and that we dismissed the protest to avoid the issue.

Following Marco's request for reconsideration, we learned that Marco initially protested with the contracting agency and the protest was denied by the contracting officer on September 24, 1985, which would make Marco's protest to our Office timely. However, Marco's initial protest here did not advise our Office of the agency-level protest and its subsequent denial.

Under 4 C.F.R. § 21.12(a) (1985), a protester's request for reconsideration must present a detailed statement of the factual and legal grounds warranting reversal or modification of a decision and specify errors of law or information not previously considered. Information not previously considered means information that was not available to the protester when the initial protest was filed here. Otherwise, a protester would be permitted to present its protest in a piecemeal fashion and possibly disrupt the procurement of goods and services indefinitely. See Global Crane Institute--Request for Reconsideration, B-218120.2, May 28, 1985, 85-1 C.P.D. ¶ 606.

We have held that in view of the requirements of section 2741(a) of the Competition in Contracting Act (31 U.S.C.A. § 3554 (a)(1)) for the expeditious resolution of bid protests, our reconsideration of a protest on the basis of information that was readily available to the protester when the protest was initially filed would be, in the absence of a showing of good cause for failure to timely present the information, inconsistent with the statutory mandate.

Marco knew the full details of its agency-level protest and the results thereof when it initially protested the rejection of its bid. Since the relevant facts making out timeliness were not brought to our attention in a timely fashion, we affirm our prior dismissal. Global Crane Institute, B-218120.2, supra.

Harry R. Van Cleve
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 General Counsel