



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Product Research Incorporated--Request for
Reconsideration

File: B-237193.3

Date: January 8, 1990

DIGEST

A request for reconsideration must be filed at the General Accounting Office (GAO) not later than 10 days after the basis for reconsideration is known or should have been known and the filing of a protest in the interim with the General Services Administration Board of Contract Appeals does not toll the time for filing with the GAO.

DECISION

Product Research Incorporated (PRI) requests reconsideration of our dismissal of its protest against the award of a contract to Keystone Computer Resources, Inc., under request for proposals (RFP) No. S0209001, issued by the Bureau of Mines, Department of the Interior. PRI questioned Keystone's capability to perform the contract.

We deny the request for reconsideration.

We dismissed PRI's protest on October 3, 1989, because our Office does not review a contracting officer's affirmative determination of responsibility absent a showing that the determination was made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(m)(5) (1989). On November 14, PRI requested that we reconsider our dismissal of its protest.

Our Bid Protest Regulations require that a request for reconsideration shall be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. 4 C.F.R. § 21.12(b). We assume that our October 3 dismissal was received by PRI no later than October 10. See MRL, Inc.--Request for Recon., B-235673.4, Aug. 29, 1989, 89-2 CPD ¶ 188. Accordingly,

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PRI's request for reconsideration filed in our Office on November 14, is untimely. Id.

PRI states that after it received our dismissal notice it filed a protest with the General Services Administration Board of Contract Appeals (GSBCA), but the GSBCA dismissed that protest on November 3 for lack of jurisdiction. PRI contends that the pendency of its protest before the GSBCA should have tolled the running of the 10 days allowed for requesting reconsideration of a decision at the General Accounting Office (GAO). PRI argues that it had no reason to know that it should request reconsideration from GAO until GSBCA's November 3 dismissal. We have held, however, that the filing of a protest with the GSBCA that is dismissed because the board lacks jurisdiction does not toll the time for filing with the GAO. Amertech Indus., Inc., B-229498, Nov. 9, 1987, 87-2 CPD ¶ 469.

The request for reconsideration is denied.



James F. Hinchman
General Counsel