



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Signal Corporation--Request for
Reconsideration

File: B-238507.2

Date: April 25, 1990

Daniel J. Piliero II, Esq., Piliero, Tobin & Mazza, for the
protester.

John M. Melody, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Prior dismissal of protest as untimely is affirmed where
evidence of timeliness, available to the protester at the
time the protest was filed, is first presented to General
Accounting Office in request for reconsideration.

DECISION

Signal Corporation requests reconsideration of our
decision, Signal Corp., B-238507, Feb. 15, 1990, 90-1 CPD
¶ ____, in which we dismissed its protest of the award of a
contract to Versar, Inc., under request for proposals
No. D900184N1, issued by the Environmental Protection Agency
for graphics services.

We affirm the prior dismissal.

Signal's protest was dismissed as untimely because the
initial filing indicated that the firm had not protested
within 10 working days after it received the denial of its
agency-level protest, as required by our Bid Protest
Regulations, 4 C.F.R. § 21.2(a)(2) (1989). While Signal's
agency-level protest was denied by letter dated January 3,
1990, Signal did not protest to our Office until February 6.
Because we assume, in the absence of evidence to the
contrary, that a denial of an agency-level protest is
received 1 calendar week after mailing, the protest to our
Office was untimely. See TLC Moving, Inc.--Recon.,
B-234850.2, Apr. 11, 1989, 89-1 CPD ¶ 372.


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Signal asserts in its reconsideration request that it did not receive the denial of its agency-level protest until January 23, 10 working days before it protested to our Office. Signal concludes that its protest was timely filed and that we should consider it on the merits. We decline to do so.

Under our Regulations, a protester must submit a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law or information not previously considered. 4 C.F.R. § 21.12(a) (1989). Information not previously considered means information that was not available to the protester when the initial protest was filed. See Global Crane Inst.--Request for Recon., B-218120.2, May 28, 1985, 85-1 CPD ¶ 606. Any other interpretation of the rule would permit a protester to present information in a piecemeal fashion and unnecessarily disrupt the procurement of goods and services. Id. Consistent with this view, when a protest appears untimely on its face a protester which is in the possession of facts that would establish its timeliness, but which does not initially provide these facts to our Office, runs the risk of dismissal and of our refusal to reconsider the matter when the protester subsequently presents these facts. Rudd Constr. Inc.--Second Request for Recon., B-234936.3, July 28, 1989, 89-2 CPD ¶ 88; Global Crane Inst.--Request for Recon., B-218120.2, supra.

The protest originally submitted to us appeared untimely based on the date of the agency's letter denying Signal's agency-level protest, and therefore properly was dismissed. Consequently, Signal is not entitled to consideration of the merits of its protest.

Our prior decision is affirmed.


James F. Hinchman
General Counsel