



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: State Machine Products--Reconsideration
File: B-245427.3
Date: November 19, 1991

Gary D. Smith, Esq., for the protester,
John Formica, Esq., and James A. Spangenberg, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DIGEST

Request for reconsideration of decision dismissing a protest
as untimely is dismissed, where the protester, rather than
showing that the prior dismissal contained either errors of
fact or law, provides documentation that allegedly
"confirms" the issues previously raised, but has no bearing
on the timeliness of the protest originally submitted.

DECISION

State Machine Products (SMP), a small business concern,
requests reconsideration of our decision in State Mach.
Prods., B-245427.2, Sept. 24, 1991, 91-2 CPD ¶ 272. In that
decision, we dismissed as untimely SMP's protest that the
determination of the Defense Logistics Agency (DLA) that SMP
was not a responsible bidder, and that the subsequent denial
of a certificate of competency (COC) by the Small Business
Administration (SBA), in connection with SMP's bid under
invitation for bids (IFB) No. DLA400-91-B-1868, was
predicated on bad faith actions of the procuring agency that
misled the SBA during its COC review.

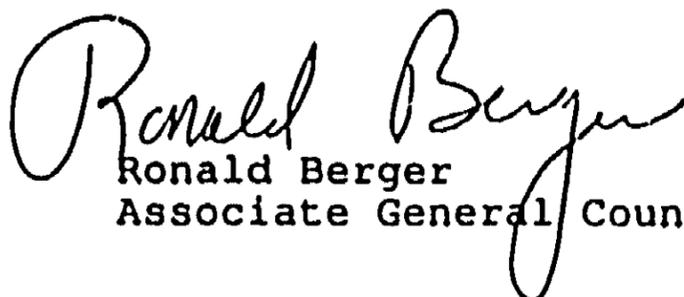
We dismissed SMP's protest because it was filed with our
Office on August 28, and supplemented by letter dated
September 10, more than 10 working days after August 5, when
SMP knew of its basis of protest.¹

¹SMP submitted a letter dated August 5 to the agency
"protesting" the award of a contract but failed to specify
any basis for protest. SMP's August 28 "protest" to our
Office similarly stated no basis for protest. These
submissions, which did not allege any facts regarding the
procurement, were not sufficient to constitute a protest
because our Bid Protest Regulations require that a protest
include a detailed statement of the legal and factual
grounds of a protest, 4 C.F.R. § 21.1(c)(4) (1991), and that

SMP requests that we reconsider our dismissal of its protest because it has obtained, pursuant to a Freedom of Information Act request, documentation which "confirms" the facts related to the issues it first raised on September 10. However, SMP's September 10 submission was not dismissed because the issues raised were not supported by documentation, but because the issues themselves were untimely raised. That SMP now possesses documentation, which it alleges supports the issues it first argued in its September 10 submission, simply has no bearing on our determination that the issues themselves were untimely raised.

To obtain reconsideration, the requesting party must show that our prior decision may contain either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a). SMP has made no such showing here; it has not alleged any facts indicating why its August 28 and September 10 submissions constituted a timely protest.

The request for reconsideration is denied.


Ronald Berger
Associate General Counsel

the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). Only in SMP's submission dated September 10 did SMP state its basis for protest, and this was untimely filed.