



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Vantage Products Corporation--Reconsideration  
**File:** B-256412.2  
**Date:** March 16, 1994

### DECISION

Vantage Products Corporation requests reconsideration of our February 16, 1994, dismissal of its protest of any award under solicitation No. 797 DS 300612 issued by the Department of Veterans Affairs for grave liners.

We deny the request for reconsideration because the request provides no basis for reconsidering our prior decision.


The record shows that the protester filed an agency-level protest objecting to certain alleged improprieties in the solicitation on September 16, 1993, after award was made. The protester states that it received the agency's denial of its protest on October 22; it subsequently filed a protest with our Office reiterating the issues raised with the agency. We dismissed the protest as untimely on the ground that Vantage's agency-level protest was not timely filed with the VA. Specifically, our Bid Protest Regulations provide that a matter initially protested to the agency will be considered only if the initial protest to the agency was filed within the time limits for filing a protest with our Office. 4 C.F.R. § 21.2(a)(3) (1993); Tandy Constr., Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206. Our regulations also provide that protests such as Vantage's which are based on alleged solicitation improprieties must be filed prior to bid opening or the time established for receipt of initial proposals. Since Vantage did not file its protest with the VA until after award, that protest was untimely and Vantage's subsequent protest to our Office thus was not for consideration.

In its request for reconsideration, Vantage argues that its protest should be considered timely because it was filed with 10 days after Vantage received the VA's decision denying its agency-level protest.<sup>1</sup> As noted above, the timeliness of Vantage's protest to our Office is determined

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<sup>1</sup>In fact, the protest was not filed in our Office within the 10-day period to which Vantage refers. Rather, although the protest to our Office is dated November 2, 1993, it was not received in our Office until March 9, 1994.

by whether the agency-level protest was timely, not by reference to the date on which Vantage received the agency's denial. Since Vantage has not shown that our decision contains errors of fact or law, or presented information not previously considered that warrants reversal or modification of our decision, the request for reconsideration is denied. 4 C.F.R. § 21.12(a).

  
Christine S. Melody  
Acting Associate General Counsel