

**DECISION**



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

60086

FILE: B-183864

DATE: October 28, 1975

MATTER OF: Free State Builders, Inc.

97790


**DIGEST:**

Where request for reconsideration presents no evidence demonstrating errors of fact or law in decision, that decision--which held protest against apparent solicitation improprieties untimely because it was not filed prior to bid opening--is affirmed.

Free State Builders, Inc. (Free State), requests reconsideration of our decision which found its protest under invitation for bids (IFB) No. GS-03B-49542, issued by the General Services Administration (GSA), to be untimely (Free State Builders, Inc., B-183864, September 23, 1975). The decision held that the protest was untimely because Free State--the incumbent contractor--should have known upon receiving the IFB that the estimated quantities stated therein were inaccurate; because protests against apparent solicitation improprieties must be filed prior to bid opening; and because Free State did not file its protest prior to bid opening.

In its request for reconsideration, Free State contends that it would be inappropriate and presumptuous for an incumbent contractor to suggest to the contracting agency that the evaluation criteria in the IFB are defective. Free State believes that to suggest that such solicitation improprieties are "apparent" prior to bid opening is to suggest that the contracting officer has no competence or expertise in these matters whatsoever.

We do not believe that Free State's request presents any evidence demonstrating errors of fact or law in our earlier decision and, accordingly, that decision is affirmed.

  
Deputy Comptroller General  
of the United States