

088785

PL - I



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20541

10,500

NOT AVAILABLE FOR PUBLISHING
JUN 15 1979

*[~~Agency's~~ Determination that Agency's Specifications
Were Unduly Restrictive]*

The Honorable David C. Treen
House of Representatives

Dear Mr. Treen:

We refer to your letter to our Office dated May 22, 1979, also signed by other Members of Congress, on behalf of American Laundry Machinery, Incorporated, and Pellerin Milnor Corporation, requesting reconsideration of our decision in Gardner Machinery Corporation; G.A. Braun, Incorporated - Request for Reconsideration, B-185418, March 12, 1979.

In that decision, we affirmed our decision of September 25, 1978, which held that the Veterans Administration (VA) specifications for a shellless laundry wash system to be installed at the consolidated laundry, Veterans Administration Hospital, Salisbury, North Carolina, were unduly restrictive of competition. In reaching this decision, we concluded that G.A. Braun's "automated washer/extractor system" would have satisfied the Government's minimum needs and, therefore, the VA specifications which permitted only a "shellless" wash system were unduly restrictive. Our March 12, 1979, decision was the second reconsideration of our decision of September 15, 1976, 76-2 CPD 245, which involved the same firms and issues. American Laundry Machinery, Incorporated, and Pellerin Milnor Corporation were furnished a copy of our March 12, 1979, decision.

Requests for reconsideration of our decisions are governed by the provisions of our Bid Protest Procedures (Procedures) at 4 C.F.R. § 20.9 (1978), which provide, in part, as follows:

"(b) Request for reconsideration of a decision of the Comptroller General shall be filed not later than 10 days after the basis for reconsideration is known or should have been known,

lrh

Le Ytir

505636

whichever is earlier. The term 'filed' as used in this section means receipt in the General Accounting Office."

Protests against the award of Government contracts are serious matters, which deserve the immediate and timely attention of the protester, interested parties, and the contracting agency. Our Procedures establish an orderly process to insure equitable and prompt resolution of protests. Therefore, timeliness standards for the filing of protests and requests for reconsideration must be and are strictly construed by our Office. Under our Procedures, there is no provision for waiving the time requirements applicable to requests for reconsideration. Moreover, we held in Department of Commerce, International Computaprint Corporation, B-190203, August 2, 1978, 78-2 CPD 84, that we would not consider requests for reconsideration not filed within the prescribed time limit regardless of the circumstances involved.

Since no request for reconsideration of our March 12, 1979, decision was requested within the prescribed time limits, we must decline any request that the case be reopened.

We note, however, as pointed out in our last decision in this matter, that the VA has recognized washer/extractors as equal to "shellless" washers. The specifications now provide for offering either system and the VA will have to determine whether an offered system meets its stated requirements in a particular solicitation.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General
of the United States