

12753

PL-1

MR. VICKERS

DECISION



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

FILE: B-195831.2

DATE: February 5, 1980

MATTER OF: Otis Elevator Company

CPG 000990

DIGEST:

Prior denial of request for reconsideration is affirmed where, due to garbled message, GAO never received original telex request for reconsideration until after 10-day time limit had expired.

Otis Elevator Company (Otis) has requested reconsideration of the dismissal on December 18, 1979, of its request for reconsideration as untimely in the matter of Otis Elevator Company, B-195831, November 8, 1979, 79-2 CPD 341.

Our decision of December 18, 1979, held:

"Otis, in its request for reconsideration disagreeing with our decision, notes that it received our November 8, 1979, decision on November 13, 1979. The request for reconsideration was not filed with our Office until November 29, 1979, and is therefore untimely under our Bid Protest Procedures (4 C.F.R. part 20 (1979)). Section 20.9(b) of the Procedures requires requests for reconsideration be filed not later than 10 working days after the basis for reconsideration is known or should have been known."

CPG 000666

Otis argues now that it has ascertained from Western Union that its telegram requesting reconsideration was sent to our Office on November 28, 1979, at 8:21 a.m., and, therefore, was timely received.

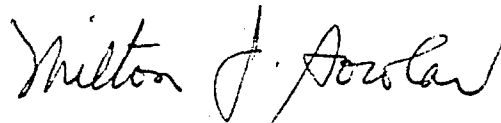
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However, upon a review of our files, the telegram we received from Otis is not the same one Otis has forwarded with its most recent letter requesting reconsideration. The telegram we received is labeled "suspected duplicate" and shows it was received in our Office's telegraph machine at 9:17 a.m., November 29, 1979, and time-stamped in at 3:33 p.m., November 29, 1979. Therefore, it appears our Office never received the original telegram.

Upon receipt of Otis' most recent request, we checked with Western Union and ascertained that the original message from Otis was garbled and Western Union never forwarded the message to our Office until November 29, 1979.

Accordingly, our prior decision is affirmed.

A handwritten signature in dark ink, appearing to read "Milton J. Fowler". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

For The Comptroller General
of the United States