

17825

Alkon

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

FILE: B-201626

DATE: April 21, 1981

MATTER OF: Coventry Manufacturing Company, Inc.

DIGEST:

1. [Request for reconsideration] of prior decision is dismissed as untimely when filed more than 10 working days after protester is aware of basis for reconsideration.
2. Due process is satisfied by GAO Bid Protest Procedures which give reasonable notice and opportunity to be heard to protester and interested parties.

Coventry Manufacturing Company, Inc. (Coventry), requests reconsideration of our decision in Coventry Manufacturing Company, Inc., B-201626, January 22, 1981, 81-1 CPD 44, in which the protester alleged that its bid was improperly determined nonresponsive because of a "minor irregularity" that it should have been given an opportunity to cure. We dismissed the protest filed with our Office on December 29, 1980, as untimely because it was not filed with our Office within 10 working days of formal or constructive notification of adverse agency action as is required by our Bid Protest Procedures. 4 C.F.R. § 20.2(a) (1980).

Coventry now contends that its December 4, 1980, letter to the agency in response to the agency's letter in late November denying its protest constituted notice of its intention to appeal to our Office. Coventry further contends that our timeliness requirements deprived it of due process.

Our Bid Protest Procedures require that a request for reconsideration be filed not later than 10 working days after the basis for reconsideration is known or should have been known, whichever is earlier. 4 C.F.R. § 20.9(b) (1980). Our prior decision in this matter

016600

114983

was mailed to Coventry on January 22, 1981. Since the request for reconsideration was not filed with our Office until March 4, 1981, it is untimely and not for consideration. NEXUS Incorporated--Reconsideration, B-196593.2, June 2, 1980, 80-1 CPD 374.

With regard to the due process argument, the resolution of bid protests by this Office is an administrative procedure distinct from the conduct of litigation in the courts. It is based upon our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers under 31 U.S.C. § § 71 and 74 (1976). Further, we believe that our Bid Protest Procedures, which afford all parties reasonable notice and an opportunity to be heard, satisfy due process. Systems Research Laboratories, Inc.--Reconsideration, B-186842, May 5, 1978, 78-1 CPD 341. Because our procedures establish a process to insure equitable and prompt resolution of protests, the timeliness requirements for the filing of communications with our Office must be and are strictly construed. Tate Engineering, Inc.--Reconsideration, B-193904, April 12, 1979, 79-1 CPD 262. These procedures have been published in the Federal Register and the public is on constructive notice of them. Post Marketing Corporation, B-197472, January 28, 1980, 80-1 CPD 76.

The request for reconsideration is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel