

DECISION

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

FILE: B-205610.3

DATE: July 19, 1982

MATTER OF: London Fog Company--Second Reconsideration

DIGEST:

Request for reconsideration is untimely where not filed within 10 working days after receipt of decision denying first request for reconsideration. 4 C.F.R. § 21.9(b) (1982).

London Fog Company requests reconsideration of our decisions in London Fog Company, B-205610, May 4, 1982, 82-1 CPD 418, and London Fog Company--Reconsideration, B-205610.2, June 8, 1982, 82-1 CPD _____. In our May 4, 1982, decision, we denied London Fog's protest and held that London Fog had not carried its burden of proving that the Defense Construction Supply Center had overstated its minimum needs and that invitation for bids No. DLA700-82-B-0313, for the supply of insecticidal fog generators, was unduly restrictive of competition. In our June 8, 1982, decision, we denied London Fog Company's request for reconsideration because London Fog Company had not shown that the May 4 decision was based on errors of fact or law.

London Fog Company received our June 8 decision on June 11 and filed its present request for reconsideration on July 8. Under section 21.9(b) of our Bid Protest Procedures (4 C.F.R. part 21 (1982)), a request for reconsideration is required to be filed "not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier." In this case, London Fog Company should have known its basis for reconsideration upon receipt of our June 8 decision. Therefore, since the request for reconsideration was not filed within the required 10-day period, it is untimely and will not be considered further.

The request for reconsideration is dismissed.

Milton J. Arnold
for Comptroller General
of the United States