



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: DynaLantic Corporation--Reconsideration

File: B-402326.3

Date: August 10, 2010

Jeffrey A. Weinstock for the protester.
Debra J. Talley, Esq., Department of the Army, for the agency.
Pedro E. Briones, Esq., and Christina Sklarew, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Compliance with Government Accountability Office timeliness rules is measured from the time protester's counsel receives notice of a protestable issue, rather than the time the protester later receives notice in a redacted document.

DECISION

DynaLantic Corporation of Sayville, New York, requests that we reconsider our March 15, 2010, decision denying its protest of the award of a contract to Fidelity Technologies Corporation of Reading, Pennsylvania, under request for proposals No. W900KK-09-R-0042, issued by the Department of the Army, Program Executive Office for Simulation, Training, and Instrumentation, for an MI-17 CT (counter terrorism) flight training device simulator.

We dismiss the request for reconsideration as untimely because it was not filed within 10 calendar days of the date that the requester's counsel received the protected version of our decision.

Our Bid Protest Regulations contain strict rules for the timely submission of protests, comments, and requests for reconsideration; specifically, a request for reconsideration must be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. 4 C.F.R. § 21.14(b) (2010). We measure compliance with our timeliness rules from the time that protester's counsel receives notice of a protestable issue. *See, e.g., Dual Inc.--Costs*, B-280719.3, April 28, 2000, 2000 CPD ¶ 76 at 2; *Columbia Research Corp.*, B-247073.4, Sept. 17, 1992, 92-2 CPD ¶ 184 at 2-3. A request for reconsideration that fails to meet these requirements will not be considered. In this respect, our

timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Dominion Aviation, Inc.-Recon., B-275419.4, Feb. 24, 1998, 98-1 CPD ¶ 62 at 3.

Here, to be timely under our rules, the requester was required to file its request for reconsideration within 10 days of March 15, when its counsel received our protected decision, or March 25. The protester, however, did not file its request for reconsideration until May 24, when it received the redacted version of our decision, and its request is therefore untimely. 4 C.F.R. § 21.14(b).

The request for reconsideration is dismissed.

Lynn H. Gibson
Acting General Counsel