

DECISION

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

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FILE: B-215049.2**DATE:** July 26, 1984**MATTER OF:** Marker-Modell Associates--Request
for Reconsideration**DIGEST:**

Request for reconsideration of protest decision filed more than 10 working days after basis for reconsideration is known is untimely.

Marker-Modell Associates (Marker-Modell), representing the Leslie Company, requests reconsideration of our decision in Marker-Modell Associates, B-215049, May 25, 1984, 84-1 C.P.D. ¶ 576, in which we dismissed that firm's protest against the Naval Supply Center's (Navy) decision to competitively procure repair services for Leslie Company equipment owned by the Navy under request for proposals (RFP) No. N00189-84-R-0165. We explained that in view of the objective of our bid protest function to insure full and free competition for government contracts, our Office does not consider it appropriate to review a protest that an agency should procure services from a particular firm on a sole-source basis. Thermionics Laboratory, Inc., B-196074, Oct. 19, 1979, 79-2 C.P.D. ¶ 273.

In its request for reconsideration, the protester argues that we failed to consider its allegation that the RFP contains provisions which are discriminatory to the Leslie Company. For instance, the protester asserted that the RFP delivery provision for replacement parts, which apparently permits procuring officials to relax delivery requirements under certain circumstances, is prejudicial to the Leslie Company, the original equipment manufacturer, which would not need delivery extensions.

These assertions were considered in our prior decision. However, we viewed the assertions as tantamount to an effort by the protester to restrict the procurement to the Leslie Company.

In any event, Marker-Modell's request for reconsideration is untimely. Our Bid Protest Procedures provide that requests for reconsideration must be received by this Office not later than 10 working days after the basis for reconsideration is known or should have been known.

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4 C.F.R. § 21.9(b) (1983). Since the protester's basis for requesting reconsideration is its dissatisfaction with our May 25, 1984, decision, it should have filed its request for reconsideration here within 10 working days of the date it received our decision. While we do not know the exact date the protester received the decision, it is reasonable to assume that it was received within 1 calendar week of its issuance. Therefore, we consider Marker-Modell's request for reconsideration received in this Office on July 3, 1984 (more than a month after the issuance of our decision), untimely. Williams and Lane, Incorporated, B-212237.2, Dec. 16, 1983, 83-2 C.P.D. ¶ 696.

The request for reconsideration is dismissed.

Richard K. Pearson

Harry R. Van Cleve
Acting General Counsel