

Protest of )  
SERVICE AMERICA CORPORATION ) Date: January 20, 1988  
Solicitation No. 239990-87-B-0264 ) P.S. Protest No. 87-119

### ON RECONSIDERATION

Service America Corporation (Service America) requests reconsideration of our December 15, 1987 decision, which dismissed as untimely its protest concerning its failure to be solicited for the provision of food service for the Norfolk, VA, post office. Service America had first learned of the solicitation on October 15, but its protest was not received until October 30, more than ten working days after the information upon which the protest is based was discovered.

Service America now asserts that its protest arises not out of the failure to receive notice of the solicitation, but out of the advice, also given by the contracting office on October 15, that it was too late then for Service America to submit an offer. Service America asserts that it didn't learn until October 22 that the negotiation process was still continuing, that best and final offers had been requested but not received, and accordingly that it would not have been too late for Service America to submit an offer.<sup>1/</sup>

Service America acknowledges that it did not assert this ground for protest in its initial protest submission. The request for reconsideration, dated January 7, was received in this office January 11. The request explains the delay as arising out of "internal mail routing" and the author's extended vacation.

PCM 2-407.8 f. (10) requires that requests or reconsideration be received by this office not later than ten working days after the basis for reconsideration is known. The record reveals that Service America received the protest decision on December 17. The request for reconsideration thus is untimely; delays occasioned by internal mail delays

<sup>1/</sup>Service America's assertion in this regard is only partially correct. While late proposals may be considered if received before contract award, that consideration depends upon the determination of the head of the procuring activity, "upon consideration of the causes of the delay and other pertinent factors, ... that [the late proposals] contain an over-riding cost or technical benefit to the Postal Service and that such consideration would be to the overall best interest of the Postal Service." Postal Contracting Manual (PCM) 3-106.5.

or individual absences do not excuse untimeliness. Cf. R.M. Wells Company, Inc., VACAB-1248, 78-1 BCA &13,034, February 22, 1978.

In any event, reconsideration is not appropriate for points which could have been but were not made in an initial protest submission. J. Fiorito Leasing, Ltd., On Reconsideration, P.S. Protest No. 83-5, September 27, 1983; Logan Co., On Reconsideration, P.S. Protest No. 82-65, February 9, 1983; Cleveland General--Reconsideration, Comp. Gen. Dec. B-225804.3, 87-1 CPD &551, June 1, 1987; Joseph L. DeClark and Associates, Inc.--Reconsideration, Comp. Gen Dec. B-221723.2, 87-1 CPD &200, February 26, 1987.

The request for reconsideration is denied.

William J. Jones  
Associate General Counsel  
Office of Contracts and Property

Law

**[checked against original JLS 3/22/93]**