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GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to:

B-193810

DHG 02171

Continental Electronics Mfg. Co.
P.O. Box 270879
Dallas, Texas 75227

JUL 17 1979

Attention: Mr. Ben T. Watson, Jr.
Vice President, Contracts

Gentlemen:

This is in reference to your letter of May 9, 1979, in which you request us to reconsider the position stated in our letter of May 1, 1979; informing you that any bid protest that you might file based on information that you received on March 16, 1979, would be untimely under our Bid Protest Procedures.

You now ask us to consider your letter of April 10, 1979, as a protest, even though it was admittedly untimely. You request that we consider the protest under section 20.2(c) of our Bid Protest Procedures, 4 C.F.R. § 20.2(c) (1978), which provides that:

"(c) The Comptroller General, for good cause shown, or where he determines that a protest raises issues significant to procurement practices or procedures, may consider any protest which is not filed timely."

You argue that there was good cause for your lateness because you needed more than 10 days to examine and analyze the information received on March 16, 1979, due to the large volume of material (423 pages). You also contend that your allegation that the specifications were tailored to favor one offeror raises an issue significant to procurement practices or procedures.

"Good cause" means a compelling reason, beyond the protester's control. 52 Comp. Gen. 20,



[REQUEST TO RECONSIDER
GAO POSITION ON FILING
BID PROTEST]

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23 (1972). We have held that the following circumstances did not constitute good cause: taking time to consult with legal counsel before filing, Power Conversion, Inc., B-186719, September 20, 1976, 76-2 CPD 256; being too busy with other important business matters to pursue the protest, California National Air Services, Inc., B-189343, September 12, 1977, 77-2 CPD 185; neglect in examining records, International Computaprint Corporation, B-186948, October 21, 1976, 76-2 CPD 357; and taking time to analyze an agency protest denial to learn of the "entire" basis of a protest, San Pedro Tugboat Co., B-192071, August 9, 1978, 78-2 CPD 108.

It is our opinion that your reason for not filing a timely protest is sufficiently similar to the above circumstances for us to conclude that you have not shown good cause for your untimeliness. While the volume of documents was not within your control, certainly the speed with which you examined them was. We do not think that 10 working days is an unreasonably short period of time within which to examine 423 pages of information in a manner sufficient to permit you to file a brief statement of the grounds of your protest.

Significant issues are issues which are of widespread interest to the entire procurement community. Fairchild Industries, Inc.--request for reconsideration, B-184655, October 30, 1975, 75-2 CPD 264. This exception to the timely filing requirement must be exercised sparingly if our timeliness standards are not to become meaningless. COMTEN, B-185394, February 24, 1976, 76-1 CPD 130. Generally, if the merits of a protest involve issues which have been considered in prior decisions, the issues are not considered significant. Washex Machinery Corporation, B-190726, March 22, 1978, 78-1 CPD 227.

Based on these standards, it is our opinion that the issue raised by you is not a significant

issue. Protests alleging that specifications have been tailored to favor a particular bidder or that only one competitor could meet the specifications do not present a significant issue within the meaning of 4 C.F.R. § 20.2 (c). See, e.g., Educational Media Division, Inc., B-193501, March 27, 1979, 79-1 CPD 204; Washex Machinery Corporation, *supra*; Union Carbide Corporation, B-188426, September 20, 1977, 77-2 CPD 204.

Therefore, we decline to consider your untimely protest.

Sincerely yours,

MILTON SOCOLAR

Milton J. Socolar
General Counsel