

**DECISION**



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

50941

FILE: B-184285

DATE: September 16, 1975

MATTER OF: Wil-Da Mechanical and Electrical Company

97525

**DIGEST:**

Decision that protest was untimely filed and did not raise significant issue is reaffirmed since request raises no new factual or legal issues.

By mailgram dated July 27, 1975, counsel for Wil-Da Mechanical and Electrical Company (Wil-Da) requested reconsideration of our decision of July 21, 1975, regarding its protest, B-184285.

Wil-Da initially protested that a solicitation for construction work was defective since it permitted the successful bidder to submit after contract award information relating to the responsiveness of the bid. The clause in question required the successful bidder to submit within 20 days after contract award a description of the work it would perform with its own organization, the percentage of the total work this represented and the estimated cost thereof.

In a decision dated July 21 this Office dismissed Wil-Da's protest since it was untimely filed after bid opening and since the protest did not raise a significant issue so as to justify consideration notwithstanding its untimeliness.

Wil-Da insists, by repeating some of the same arguments asserted in its original protest, that the issue raised by its untimely protest is "significant" and contends that the contracting agency agrees that the protest is significant.

The contracting agency informs us that it does not consider the issue significant. In any event we believe that a "significant issue" was not raised in the initial protest for the reasons expressed in our original decision. Also, counsel's request for reconsideration does not raise any new factual or legal grounds for reversing or modifying our prior decision. See § 20.9(a) of GAO Bid Protest Procedures, 40 Fed. Reg. 17979 (1975).

We appreciate the protester's basic concern about the practice of bid shopping which is not restricted by the protested clause involved in this case. We note, however, that in appropriate circumstances an

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agency may impose a material requirement for listing subcontractors in the bid and that failure to comply would render the bid nonresponsive and properly for rejection. Grunley-Walsh Construction Company, Inc., B-181593, October 24, 1974. Such a requirement, however, was not imposed in this case.

Accordingly, our decision is reaffirmed.

  
Deputy Comptroller General  
of the United States