

DOCUMENT RESUME

02706 - [A1852881]

[Reconsideration of Untimely Bid Protest]. D-188636. June 23, 1977. 1 pp.

Decision re: Educational Media Div., Oklahoma City, OK; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Army: Sacramento Army Depot, CA.

Authority: D-188636 (1977). 4 C.F.R. 20.2(c).

A prior protest against the use of allegedly proprietary specifications of an Army contract was dismissed for untimeliness. Upon reconsideration, the prior decision was affirmed, since the protester failed to show that there had been any error of fact or law, vitiating any possible exception to Bid Protest Procedures. (Author/DJM)

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P.L.I
HAS FURTHER.

DECISION



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

FILE: B-188636

DATE: June 23, 1977

MATTER OF: Educational Media Division, Inc.

DIGEST:

Decision finding protest untimely filed with GAO Office of General Counsel since filed more than 10 working days after protester was notified by contracting activity that its initial protest with activity had been denied is affirmed as there has been no showing that decision was in error as a matter of fact or law.

Educational Media Division, Inc. (EMD), requests reconsideration of our decision Educational Media Division, B-138636, April 5, 1977, 77-1 CPD 236, wherein we held that since the protest against the use of allegedly proprietary specifications under invitation for bids No. DAAG08-77-B-0019 (Sacramento Army Depot) was not filed in our Office (Office of General Counsel) within 10 working days after EMD had been notified by the contracting activity that its initial protest filed with the activity had been denied, the EMD protest was filed untimely with our Office and was, therefore, not for consideration on its legal merits. While our Bid Protest Procedures, 4 C.F.R. § 20.2(c) (1976), permit us to consider an untimely protest where the Comptroller General finds "good cause shown" or "where * * * a protest raises issues significant to procurement practices," we do not believe the facts of this case justify the use of either exception.

Accordingly, and absent a showing that our prior decision was in error as a matter of fact or law, it is affirmed.

[Signature]
Deputy Comptroller General
of the United States