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DECISION



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

*BROSNAN
P.L. II*

FILE: B-190129

DATE: October 3, 1977

MATTER OF: First Union Management, Inc.

DIGEST:

Notwithstanding protester's categorization of objections raised as moral issues, issues concerning particular evaluation of lease proposals for specific space requirement and impact of negotiations for extension of existing lease on that procurement do not constitute significant procurement issues of widespread interest that would permit consideration on merits of otherwise untimely protest.

First Union Management, Inc. (Union) protests against the award of Block B of Solicitation for Offers (Solicitation) AT-7-76 issued on March 14, 1977 by Region 4, General Services Administration (GSA). The Solicitation calls for offers to fill the Government's need to lease two blocks (Block A 268,403 square feet, Block B 162,782 square feet) of office space in Atlanta, Georgia. The Solicitation indicates that "Offers will be considered for Block A only, Block B only, or both blocks together, however, each block must be contained in a single building." In determining which offer will be most advantageous to the Government the rental proposed along with seven other factors were to be considered.

The following offers pertinent to the protest were received on the April 11, 1977 closing:

- For Block A alone -- 101 Marietta Bldg. (Marietta) -- \$6.25 per square foot
- For Block B alone -- 730 Peachtree Street (Union's property) -- \$5.38 per square foot
- For Blocks A and B together -- 101 Marietta Bldg. for Block A and Piedmont Courtland Bldg. for Block B -- \$5.68 per square foot
- For Blocks A and B -- 101 Marietta Bldg. -- \$5.92 per square foot

These offers were evaluated by GSA as follows:

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- 1) 101 Marietta for Block A and Piedmont Courtland Bldg. for Block B -- \$5.789 per square foot.
- 2) 101 Marietta for both Blocks -- \$6.018 per square foot.
- 3) 101 Marietta for Block A (6.55 per square foot) and 730 Peachtree Street Block B -- \$6.164 per square foot.

On August 2, 1977 Union was formally advised that the award of a lease for the total 431,000 square feet (Block A and Block B) would be made for the building at 101 Marietta Street.

By letter dated September 12, 1977 Union protested the award based substantially on three major arguments:

(1) The Solicitation did not permit the award of the combined requirements of Block A and B to the offeror of the Marietta Building because that offeror deliberately "cut out" Union by submitting a combined offer for Blocks A and B on the one hand and also submitting an offer on Block A alone at such a high rate that Union's offer on Block B was rendered uncompetitive when combined (in order to fill GSA's total needs of 431,000 square feet an award was needed on both Block A and Block B) with Marietta's high offer for Block A,

(2) GSA considered factors other than those set forth in the Solicitation in evaluating Marietta's offer, and

(3) Union was misled into agreeing to a one year extension of its prior lease with GSA at a loss because GSA led it to believe that the agency wished to retain Union's building as leased property and gave Union no indication that its space requirements for this building would be combined with another space requirement.

Although Union admits that its protest is untimely under our Bid Protest Procedures, 4 CFR 20.2(1)(2) (1977), in that it was filed more than 10 days after the basis for the protest is known,

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it contends that we should consider the protest under 4 CFR 20.2(c) as raising a significant procurement issue. In this regard Union argues that its protest raises the "issue of morality in Government" and that as such is significant to Government procurement. We have held that the significant issue 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, affirmed B-185394, May 18, 1976, 76-1 CPD 330. Thus, we will not regard an issue as significant unless it is of widespread interest or goes to "the heart of the competitive procurement process." Williamette - Western Corporation, et al., 54 Comp. Gen. 375, 376 (1974), 74-2 CPD 259; 52 Comp. Gen. 20 (1972). Notwithstanding Union's categorization of the objections raised in this protest as "moral issues" we believe that the issues essentially concern a particular evaluation of lease proposals for specific office space requirements and the interpretation and impact thereon of negotiations for the extension of Government's existing lease of space in Union's building. As such the issues raised do not meet the standard needed for consideration. Catalytic, Incorporated, B-187444, November 23, 1976, 76-2 CPD 445.

Accordingly, the protest is not for our consideration.

for *Wilton F. Auster*
Paul G. Dembling
General Counsel