

PLCG

DECISION



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

9398

FILE: B-193827

DATE: March 12, 1979

MATTER OF: Biltwell Development Company of San Francisco--Reconsideration DLG00771

DIGEST: [No Valid Basis for Reconsideration of Untimely Protest]

Prior decision dismissing protest as untimely is affirmed and will not be considered under 4 C.F.R. § 20.2(c) (1978) since matter does not involve principle of widespread procurement interest.

Biltwell Development Company of San Francisco (Biltwell) requests reconsideration of our decision Biltwell Development Company of San Francisco, B-193827, January 30, 1979, 79-1 CPD 73, dismissing its protest as untimely.

ACC00305
DLG00772 Biltwell protested the award of a contract by the Department of the Army Corps of Engineers (Army) to Arntz Brothers under solicitation No. DACW07-78-B-0019. Biltwell contended that the contract could not be awarded with the additive items unless the money was on hand at bid opening; Biltwell argues it was not.

Biltwell initially filed its protest with the Army by letter dated November 3, 1978, and was notified that its protest had been denied by letter dated November 15, 1978. Since Biltwell did not file its protest with our Office until December 27, 1978, which was more than 10 days after formal notification of initial adverse agency action, we viewed the protest as untimely under § 20.2(a) of our Bid Protest Procedures (Procedures), 4 C.F.R. part 20 (1978).

Biltwell now contends that its protest should have been considered on its merits because its protest raises issues significant to procurement

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practices and procedures and therefore should be reconsidered in accordance with section 20.2(c) of our Procedures.

Section 20.2(c) of our Procedures does permit, among other things, consideration of untimely protests where issues significant to procurement practices are raised.

The significant issue exception is limited to matters which are of widespread interest to the procurement community (a principle of broad application which has not been considered before) and is invoked sparingly so that timeliness standards do not become meaningless. Catalytic, Incorporated, B-187444, November 23, 1976, 76-2 CPD 445. We see nothing in the present case to warrant invoking this exception.

provided in GAO DPP

GAO found

protesters

Therefore, our January 30 decision ^{*previous*} ~~is~~ affirmed.

R. J. K. Miller
Deputy Comptroller General
of the United States