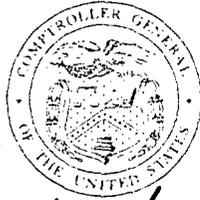


Proc Law I

DECISION



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

[Protest of Department of Army Contract Award] 10,161

FILE: B-194421

DATE: May 14, 1979

MATTER OF:

Century Metal Parts Corp.-- DLG 00050
Reconsideration

DIGEST:

Prior decision dismissing protest as untimely is affirmed and will not be considered under 4 C.F.R. § 20.2(c) (1978) because issues raised do not warrant invoking exceptions to timeliness requirements and protester failed to state any error of law or fact not previously considered.

DLG 01579

Century Metal Parts Corp. (Century) requests reconsideration of our decision Century Metal Parts Corp., B-194421, April 17, 1979, dismissing as untimely its protest against the decision of the Department of the Army, Communications and Electronics Materiel Readiness Command (Army), concerning the adequacy of the specifications for mast sections according to specified Army drawings in invitation for bids (IFB) No. DAAB-07-79-B-2832. Century contended that the IFB and drawings failed to identify the mast section being procured, that the ambiguous specification prevented bidders from bidding on an equal basis and restricted competition, and that the IFB should therefore have been canceled.

We found that Century's objections constituted allegations of improprieties in the IFB specifications which were apparent prior to the January 22, 1979, bid opening, but were not initially raised until after bid opening by a letter to the Army dated February 9, 1979, and were therefore not timely filed with the Army in accordance with our Bid Protest Procedures, 4 C.F.R. § 20.2(b) (1978). Consequently, we concluded that Century had failed to comply with a time limitation prerequisite to subsequent consideration of these issues by our Office, 4 C.F.R. § 20.2(a) (1978). See Technical Services Corporation, B-190942, April 13, 1978, 78-1 CPD 282; Southwest Aircraft Services, Inc., B-188483, April 1, 1977, 77-1 CPD 227.

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The protester claimed the
 Counsel for Century claims error in our consideration of the basis of its original submission *asserted* that the issues were presented as a matter of public and procurement policy to be reviewed for compliance with statute and practice relating to public bidding, rather than as a protest of a disappointed bidder. Century ~~now asks~~ *asked* that the matter be reconsidered on the merits without respect to our time requirements.

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 The purpose of time limits for filing protests is to assure that Government procurements are not burdened by untimely protests. *front* Del Norte Technology, Inc., B-182318, January 27, 1975, 75-1 CPD 53; Bish Contracting Company, Inc., B-192788, November 21, 1978, 78-2 CPD 356. Our Bid Protest Procedures do permit consideration of untimely protests where good cause is shown or issues significant to procurement practices or procedures are raised. Although "good cause" varies with the circumstances of the protest in question, it generally refers to some compelling reason beyond the protester's control which prevented timely filing of the protest. 52 Comp. Gen. 20, 23 (1972); Power Conversion, Inc., B-186719, September 30, 1976, 76-2 CPD 256; R.A. Miller Industries, Inc. (Reconsideration), B-187183, January 14, 1977, 77-1 CPD 32. The significant issue exception is limited to matters of widespread interest to the procurement community and is invoked sparingly in order that our timeliness standards do not become meaningless. COMTEN, B-185394, February 24, 1976, 76-1 CPD 130, aff'd, B-185394, May 18, 1976, 76-1 CPD 330; General Automatic Corporation, B-190216, January 5, 1978, 78-1 CPD 8. Where the merits of a protest involve issues which have been considered in prior decisions, such issues are not considered "significant" within the meaning of this exception. Protests concerning restrictive and ambiguous specifications have been considered by our Office many times. Washex Machinery Corporation, B-190726, March 22, 1978, 78-1 CPD 227. We see nothing in the submission in this case to warrant invoking ~~either~~ *either* exception.

Because Century fails to state any error of law or material fact not previously considered, our decision of April 17, 1979, is therefore affirmed.

*Therefore, the previous decision
was affirmed.*

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