

**DECISION**



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

**FILE:** B-207276.3

**DATE:** December 21, 1982

**MATTER OF:** Medical Devices of Fall River, Inc.--  
Reconsideration

**DIGEST:**

1. TWX notifying agency of intent to protest to GAO does not constitute a protest to contracting agency.
2. Consultation with counsel is not a valid basis to extend the filing time for bid protest.
3. Issues which have been considered in previous decisions are not "significant" within meaning of GAO Bid Protest Procedures.

Medical Devices of Fall River, Inc. (Medical Devices), requests reconsideration of our decision in Medical Devices of Fall River, Inc., B-207276.2, November 15, 1982, 82-2 CPD, where we dismissed Medical Devices' protest against the Defense Logistics Agency's (DLA) rejection of its bid as untimely filed.

Medical Devices now contends that its October 4, 1982, TWX to DLA was a timely protest to DLA. However, in our view, the TWX is no more than notice to DLA that Medical Devices planned to protest DLA's decision to our Office. The TWX reads:

"This is to notify you that Medical Devices of Fall River, Inc. is protesting with the General Accounting Office your decision on our bid samples with reference to the above solicitation.

\* \* \* \* \*

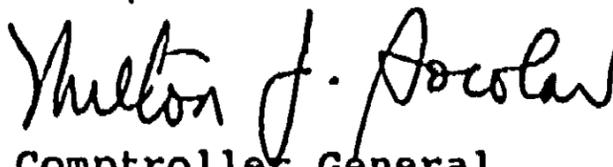
"A copy of our protest letter submitted to the General Accounting Office will be forwarded to you."

We cannot construe the above as a protest to the contracting agency.

Medical Devices further contends that its delay in filing is excused by its need to consult with its counsel in New York City. We have held that consultation with counsel is not a valid basis to extend the filing time for a protest. Corley Mechanical Contractor--Reconsideration, B-189110, September 22, 1977, 77-2 CPD 216.

Finally Medical Devices contends that we should decide its protest on the basis that it presents a "significant" issue because a similar issue was considered in CWC, Inc., B-204445, December 15, 1981, 81-2 CPD 475. However, issues which have been considered in previous decisions are not "significant" within the meaning of our Bid Protest Procedures. Berz Ambulance Service, Inc., B-187349, June 8, 1977, 77-1 CPD 411.

Accordingly, our prior decision is affirmed.

for   
Comptroller General  
of the United States