

**DECISION**

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

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**FILE:** B-211547.3**DATE:** August 16, 1983**MATTER OF:** Universal Design Systems Inc.--  
Reconsideration**DIGEST:**

1. Request for reconsideration is denied where protester requesting reconsideration has not shown any error of law or presented any facts which GAO did not previously consider.
2. An untimely protest does not raise a significant issue to warrant its consideration on the merits where the issue is not of widespread interest to the procurement community.

Universal Design Systems, Inc. (UDS) requests reconsideration of our decision in Universal Design Systems Inc., B-211547, May 9, 1983, 83-1 CPD 489, in which we dismissed as untimely UDS' protest involving alleged improprieties in a Veterans Administration (VA) solicitation. We affirmed that decision in Universal Design Systems Inc.--Reconsideration, B-211547.2, June 21, 1983, 83-1 CPD \_\_\_\_. We again affirm our decision.

UDS argues that its protest was filed on time when it attempted to contact the VA by telephone and letter prior to the closing date for the receipt of proposals. In our June 21 decision, we rejected this contention based on the evidence presented by the parties on the question of timeliness. UDS has not furnished any evidence to show that our decision was wrong. See section 21.9 of our Bid Protest Procedures, 4 C.F.R. Part 21 (1983).

UDS also repeats five substantive issues of protest, on the theory that their significance warrants consideration under an exception to our bid protest timeliness rules. Specifically, UDS argues that the solicitation unnecessarily restricts competition by introducing irrelevant evaluation criteria, by imposing inappropriate experience requirements, and by requiring bidders to have teams that have functioned as such during the 6 months

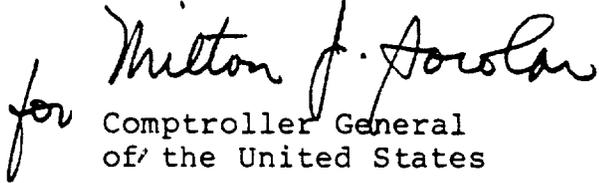
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immediately preceding the evaluation of proposals. UDS also argues that the solicitation's labor estimates and team requirements are excessive, and that the solicitation is improper because it does not require contractors to furnish performance guarantees.

While our Bid Protest Procedures provide an exception to the timeliness requirements where the protest raises "significant issues," see 4 C.F.R. 21.2(c), this exception requires that the issue be one of widespread interest to the procurement community, not previously considered. Sequoia Pacific Corporation, B-199583, January 7, 1981, 81-1 CPD 13. In order to prevent the timeliness requirements from becoming meaningless, this exception is strictly construed and seldom used. Ensign Aircraft Company, B-207898.3, April 1, 1983, 83-1 CPD 340. The protest before us does not present unique issues of first impression, nor does it involve questions whose resolution would benefit parties other than UDS.

We affirm our initial decision.

for  Milton J. Fowler  
Comptroller General  
of the United States