

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

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FILE: B-218352.2 **DATE:** April 17, 1985
MATTER OF: Information Handling Services--
Reconsideration

DIGEST:

Request for reconsideration of dismissal of a protest as untimely on grounds that the protest presents significant issues meriting review is denied since the issue raised has been the subject of numerous GAO decisions in the past.

Information Handling Services requests reconsideration of our dismissal of its protest under delivery order No. N60921-85-F-2210, issued by the Department of the Navy to Information Marketing International. We affirm our original dismissal and deny the request for reconsideration.

We dismissed Information Handling's protest as untimely because it was not filed with our Office within 10 working days from the time that Information Handling learned that its protest to the agency had been denied. See GAO Bid Protest Regulations, § 21.2(a)(3), 4 C.F.R. part 21 (1985). Information Handling now requests reconsideration on the ground that the procurement reflects significant deficiencies which merit our review.

We assume that Information Handling is referring to section 21.2(c) of our Bid Protest Regulations, supra, which provides that our Office may consider an untimely protest that raises issues significant to the procurement system. This exception, however, is strictly construed and will be applied only when the issue is of widespread interest or importance to the procurement community and has not been the subject of prior GAO decisions on the merits. Detroit Broach and Machine, B-213643, Jan. 5, 1984, 84-1 CPD ¶ 55.

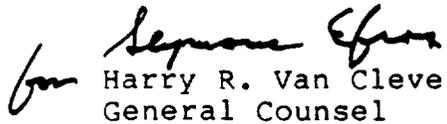
Information Handling's protest challenged the Navy's acceptance of products that allegedly were not equal to the specified brand name products, which were made by

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Information Handling. We have issued numerous prior decisions in response to allegations that an offered product was not equal to the brand name product specified in a solicitation. See, e.g., Magnaflux Corp., B-211914, Dec. 20, 1983, 84-1 CPD ¶ 4; Applied Electro Mechanics, Inc., B-214673, Sept. 10, 1984, 84-2 CPD ¶ 271. Thus, while we recognize the importance of the matter to the protester, we do not consider this an appropriate case for consideration under the significant issue exception to our timeliness rules.

We deny the request for reconsideration.


Harry R. Van Cleve
General Counsel