

**DECISION**

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

**FILE:** B-222601.2

**DATE:** June 30, 1986

**MATTER OF:** Bell Atlanticom Systems, Inc.

**DIGEST:**

Neither allegedly arbitrary rejection of initial proposal based on submission of inadequate information nor agency's alleged failure to follow stated evaluation criteria presents a significant issue which, although untimely protested, the General Accounting Office will consider on the merits.

Bell Atlanticom Systems, Inc., protests the rejection of a proposal submitted in response to request for proposals (RFP) No. DAEA08-86-R-0033, issued by the Department of the Army, 7th Signal Command, Fort Ritchie, Maryland, for a telephone communications system. The firm seeks reinstatement in the competitive range.

We dismiss the protest as untimely.

In a protest filed with our Office on June 13, 1986, Bell Atlanticom states that the Army notified it by letter dated May 16, 1986 that it had been excluded from the competitive range. According to the protester, the letter stated that its rejection was due to submission of descriptive literature (standard brochures) as its primary proposal and failure to provide adequate information in response to three sections of the Performance Work Statement. Bell Atlanticom alleges that the Army's evaluation of its proposal was not in accord with the criteria listed in its copy of the solicitation, and, therefore, the rejection was arbitrary and capricious. While conceding that its protest is untimely because it was not filed within 10 working days of its receipt of the Army letter, as required by our Bid Protest Regulations, Bell Atlanticom claims that it presents a significant issue which our Office should consider.

We consider allegations under the "significant issue" exception to our regulations, 4 C.F.R. § 21.2(c), sparingly, so that our timeliness rules do not become meaningless, and we limit such consideration to issues of widespread interest to the procurement community and/or those

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dealing with legal issues that have not been previously decided. Scipar, Inc., B-220645, Feb. 11, 1986, 86-1 CPD ¶ 153.

We have previously decided protests dealing with the adequacy of information submitted with initial proposals, for example, ASEA, Inc., B-216886, Feb. 27, 1985, 85-1 CPD ¶ 247, and with an agency's alleged failure to follow stated evaluation criteria. Experimental Pathology Laboratories, Inc., B-221304, March 10, 1986, 65 Comp. Gen. \_\_\_\_\_, 86-1 CPD ¶ 235. The merits of the agency's actions in this case do not involve any question whose resolution would benefit parties other than the protester, and we do not find these issues to be significant within the meaning of our regulations. Scipar, Inc., supra.

We dismiss the protest.

*Ronald Berger*  
Ronald Berger  
Deputy Associate  
General Counsel