



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: McCain Associates

File: B-226533

Date: March 23, 1987

DIGEST

1. Protest to General Accounting Office which was not filed within 10 working days of actual knowledge of initial adverse agency action with protest to contracting agency is dismissed as untimely.
2. General Accounting Office will not consider the merits of an admittedly untimely protest by invoking the significant-issue exception of our Bid Protest Regulations where the protest does not raise an issue of first impression that would have widespread significance to the procurement community.

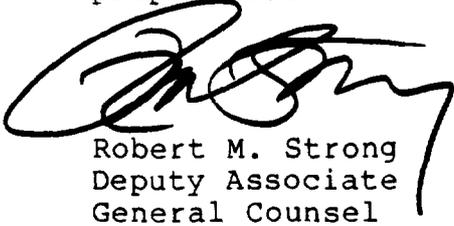
DECISION

McCain Associates protests the award of a contract to Bly Engineering under solicitation No. RFP-17-87-01, issued by the Forest Service for cadastral surveys. McCain contends that the agency improperly evaluated its proposal and unjustly awarded the contract to Bly Engineering at a price higher than McCain's. We dismiss the protest in accordance with our Bid Protest Regulations without obtaining a report from the agency, since it is clear from the material furnished by McCain that the protest is untimely. /4 C.F.R. § 21.3(f) (1986).

McCain initially raised these allegations in a protest filed with the Forest Service by letter of February 10. Our Regulations provide that where a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office must be filed within 10 working days of receiving notice of initial adverse agency action, in order to be considered timely. /4 C.F.R. § 21.2(a)(3). McCain received an adverse decision from the agency on February 20. We therefore should have received McCain's protest by March 6. Because the protest was not filed in our Office until March 16, the protest is untimely.

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McCain believes we should consider its protest even though it is untimely. We will consider an otherwise untimely protest where the protest raises an issue of first impression that would have widespread significance to the procurement community. 4 C.F.R. § 21.2(c); Scipar, Inc., B-220645, Feb. 11, 1986, 86-1 C.P.D. ¶ 153. The protest does not meet this standard, and we therefore will not consider it, because we have on numerous occasions decided the issues McCain raises. See for example The Communications Network, B-215902, Dec. 3, 1984, 84-2 C.P.D. ¶ 609 (award to higher priced offeror); Health Management Associates of America, Inc., B-220295, Jan. 10, 1986, 86-1 C.P.D. ¶ 26 (evaluation of technical proposals).



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