



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Electrospace Systems, Inc.--Request for  
Reconsideration

File: B-227964.2

Date: September 14, 1987

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### DIGEST

Prior decision dismissing protest as untimely is affirmed where issue raised, allegedly unequal treatment of offerors because of agency acceptance of an alternative proposal, does not warrant invocation of the "significant issue" exception to our timeliness regulations because it does not present a matter of first impression that would have widespread interest to the procurement community.

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### DECISION

Electrospace Systems, Inc. (ESI), requests reconsideration of our decision, Electrospace Systems, Inc., B-227964, July 27, 1987, 87-2 C.P.D. ¶ 94, in which we dismissed as untimely ESI's protest against the award of a contract for aircraft operations and maintenance to McDonnell Douglas under request for proposals (RFP) No. N00039-86-R-0274, issued by the Navy. In that decision, we dismissed ESI's protest as untimely because ESI waited approximately 6 weeks after learning of the award before making any inquiry about the specific reasons for the award, and did not file its protest in our Office until 2 months after receipt of the notice of award. We held that ESI had failed to diligently pursue the information which formed the basis for its protest, which is cause to dismiss the later filed protest as untimely under our Bid Protest Regulations, 4 C.F.R. § 21.2 (a)(2) (1987); Continental Telephone Co. of California, B-222458.2, Aug. 7, 1986, 86-2 C.P.D. ¶ 167.

In its request for reconsideration, ESI asks that we consider its protest under the "significant issue" exception to our timeliness regulations, 4 C.F.R. § 21.2(c). This exception, which we construe strictly, is limited to considering untimely protests that raise issues of widespread interest to the procurement community which have not

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been considered on the merits by this Office in a previous decision. Conrac Corp., SCD Division, B-225646, May 11, 1987, 87-1 C.P.D. ¶ 497. ESI's protest alleges that it was not provided an equal opportunity to compete because McDonnell Douglas, the awardee, was permitted to submit an alternate offer, allegedly at variance with the RFP requirements. We have considered numerous protests concerning allegedly unequal treatment of offerors, and we have explicitly held that where, as here, the protest concerns only the evaluation of a particular offeror's proposal, we do not consider the issue significant within the meaning of our regulation. World-Wide Security Service, Inc.-- Reconsideration, B-225270.2, Mar. 17, 1987, 87-1 C.P.D. ¶ 294; Professional Peer Review of Florida, Inc., et al., B-215303.3, et al., Apr. 5, 1985, 85-1 C.P.D. ¶ 394. Further, ESI's protest allegation pertains to a discrete difference in the agency's instructions to the two offers with respect to the submission of alternate proposals, which we do not believe is of widespread significance to the procurement community.

The dismissal is affirmed.

*for* *Raymond E. Jones*  
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General Counsel