



The Comptroller General  
of the United States

135682

Washington, D.C. 20548

# Decision

Matter of: Microeconomic Applications, Inc.--Reconsideration

File: B-229749.3

Date: April 26, 1988

## DIGEST

1. Request for reconsideration of prior decision dismissing protest as untimely is denied where protester has presented no basis for reversing conclusion that protester failed to diligently pursue information that would form the basis of its protest.
2. An untimely protest will not be considered under the significant issue exception to the bid protest timeliness rules where the issue raised is not of widespread interest to the procurement community.
3. Request for conference in connection with request for reconsideration is denied since the matter can be expeditiously resolved without a conference.

## DECISION

Microeconomic Applications, Inc. (MAI), requests that we reconsider our decision in Microeconomic Applications, Inc., B-229749.2, Feb. 19, 1988, 88-1 CPD ¶ 170, in which we dismissed MAI's protest of its failure to receive award under request for proposals (RFP) No. 50-SABE-6-07950, issued by the Department of Commerce on behalf of the Minority Business Development Agency (MBDA) for research studies of minority-owned businesses.

We deny the request for reconsideration.

In its protest, filed on December 14, 1987, MAI complained that Commerce had improperly evaluated proposals and that the Director of MBDA had improperly intervened in the evaluation of proposals. We dismissed the protest as untimely since MAI had been orally informed of the rejection of its proposal on May 22, 1987, but took no action from May 22 to October 8, 1987, to learn the basis of its protest.

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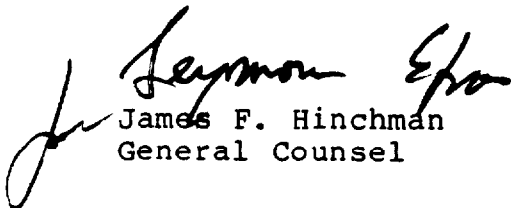
MAI argues that the obligation of a protester to diligently pursue the information which forms the basis of its protest commences upon formal notification by the procuring agency. MAI contends that oral notice of the rejection of its proposal was insufficient to place this obligation on the protester. We disagree.

We have long held that oral notice of the rejection of an offer or bid is sufficient to commence the time for filing a protest. See Pacific Fabrication--Request for Reconsideration, B-224065.2, Sept. 9, 1986, 86-2 CPD ¶ 277. In this case, MAI was informed of the rejection of its proposal on May 22. Under these circumstances, MAI was required to do more than wait for formal notification of the awards. MAI has not shown that it took any action during the 5 months to learn the reason for the rejection of its proposal, and, thus, we have no basis for reversing our conclusion that the protester failed to diligently pursue, within a reasonable time, the information which would form the basis of its protest.

MAI also argues that, even if its protest is untimely, we should consider it under the exception to our timeliness rules for significant issues. See 4 C.F.R. § 21.2(c) (1987). However, we apply this exception only where the protest raises an issue of first impression that would have widespread significance to the procurement community. LORS Machinery, Inc.--Reconsideration, B-227499.2, July 13, 1987, 87-2 CPD ¶ 41. The matters to which MAI objects are not significant issues under this standard because they have been previously considered. See Data Resources, B-228494, Feb. 1, 1988, 88-1 CPD ¶ 94; Bank Street College of Education, 63 Comp. Gen. 393, 84-1 CPD ¶ 607, aff'd on reconsideration, B-213209.2, Oct. 23, 1984, 84-2 CPD ¶ 445.

MAI has requested a conference. We will not conduct a conference on a reconsideration request unless the matter cannot otherwise be resolved expeditiously. Gentex Corp.--Request for Reconsideration, B-225669.2, Mar. 23, 1987, 87-1 CPD ¶ 331. We do not believe a conference is warranted in this case.

The request for reconsideration is denied.

  
James F. Hinchman  
General Counsel