



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter: Brehn Corporation--Reconsideration

File: B-259691.2

Date: February 2, 1995

DECISION

Brehn Corporation requests reconsideration of our December 29, 1994, dismissal of its protest of the rejection of its proposal under solicitation No. 94-1 issued by the Department of Transportation, Federal Highway Administration (FHA), under the Small Business Innovative Research program. We dismissed Brehn's protest as untimely filed under our Bid Protest Regulations--requiring an initial protest to the agency be filed within the time limits for filing a protest with our Office. 4 C.F.R. § 21.2(a)(3); Tandy Constr., Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206.

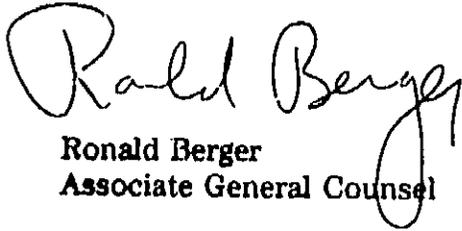
On reconsideration, Brehn contends that agency personnel misled it and did not inform it of protest filing requirements. Under the law, however, a protester is presumed to know the provisions of our Bid Protest Regulations since they are published in the Federal Register and Code of Federal Regulations and protesters therefore are charged with constructive notice of their contents. See Domation, Inc., B-228221, Sept. 28, 1987, 87-2 CPD ¶ 311. Therefore, the fact that agency personnel did not inform Brehn of the filing requirements does not excuse Brehn's failure to timely file.

Brehn also maintains that because our Bid Protest Regulations provide for the review of an untimely protest for "good cause" or where it raises a "significant issue," we should consider its protest under these expectations. We decline to do so.

The exceptions to our timeliness rules are strictly construed and rarely used in order to prevent these rules from becoming meaningless. Air Inc.--Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. We limit the use of the "significant issue" exception to protests that raise issues of widespread procurement

interest and which have not been previously considered on the merits. See Eurometalli s.p.a.--Recon., B-250522.2, Apr. 15, 1993, 93-1 CPD ¶ 323. "Good cause" refers to a compelling reason beyond the protester's control that prevented it from filing a timely protest. Central Texas College, B-245233.5, Feb. 6, 1992, 92-1 CPD ¶ 151. Neither type of situation is present here.

The dismissal is affirmed.


Ronald Berger
Associate General Counsel