

DOCUMENT RESUME

08098 - [C3288404]

**[Request for Reconsideration of Untimely Protest]. B-19278C.
November 21, 1978. 2 pp.**

**Decision re: Bish Contracting Co., Inc.; by Robert F. Keller,
Deputy Comptroller General.**

Contact: Office of the General Counsel: Procurement Law I.

**Organization Concerned: Department of Housing and Urban
Development; Juno Construction Corp.**

**Authority: 4 C.F.R. 20. 54 Comp. Gen. 97. 52 Comp. Gen. 20. 52
Comp. Gen. 23. B-182318 (1975). B-186495 (1976). B-187183
(1977).**

**Reconsideration was requested of an untimely protest
against a contract award on the basis that the protest was "too
lightly considered." Since this protest did not involve a
principle of widespread procurement interest, no exception was
made to the timeliness rule, and the prior decision was
affirmed. (RRS)**

DECISION



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

A. Frost
PL-CC

8404

FILE: B-192788

DATE: November 21, 1978

MATTER OF: Bish Contracting Company, Inc.

DIGEST:

Prior decision dismissing protest as untimely is affirmed and will not be considered under 4 C.F.R. § 20.2(a) (1978) since matter does not involve principle of widespread procurement interest.

Bish Contracting Company, Inc. (Bish), requests reconsideration of our decision Bish Contracting Company, Inc., B-192788, October 11, 1978, dismissing its protest as untimely against award of a contract under project D9-070, issued by the Department of Health, Education, and Welfare (HEW), to Thermo Contracting Corporation.

Bish initially protested to HEW by letter dated June 15, 1978, and was notified that its protest had been rejected by letter dated August 1, 1978, from HEW. Since Bish did not file its protest with our Office until August 31, 1978, which was more than 10 days after formal notification of initial adverse agency action, we viewed it untimely in accordance with section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978).

Bish alleges that its protest was "too lightly considered" by our Office and should be reconsidered. Bish argues that the issues raised in its protest are significant to procurement practices and procedures so as to warrant waiver of the 10-day time limit.

The purpose of time limits for filing protests is to assure that Government procurements are not burdened by untimely protests. Del Norte Technology, Inc., B-122318, January 27, 1975, 75-1 CPD 53. We have stated in prior decisions that:

"To raise a legal objection to the award of a Government contract is a serious matter. At stake are not only the rights and interests of the protester, but those of the contracting agency and other interested parties. Effective and equitable procedural standards are necessary so that the parties have a fair opportunity to present their cases and protests can be resolved in a reasonably speedy manner. The timeliness rules are intended to provide for expeditious consideration of objections to procurement actions without unduly burdening and delaying the procurement process. See Cessna Aircraft Company; Beech Aircraft Corporation, 54 Comp. Gen. 97 (1974), 74-2 CPD 91." Service Distributors, Inc. (Reconsideration), B-186495, August 10, 1976, 76-2 CPD 149.

Our Bid Protest Procedures do permit consideration of untimely protests where good cause is shown or where issues significant to procurement practices or procedures are raised, 4 C.F.R. § 20.2(c). The good cause exception generally refers to some compelling reason, beyond the protester's control, which prevented it from filing a timely protest. See 52 Comp. Gen. 20, 23 (1972); R.A. Miller Industries, Inc. (Reconsideration), B-187183, January 14, 1977, 77-1 CPD 32. The significant issue exception is limited to issues which are of widespread interest to the procurement community and is "exercised sparingly" so that timeliness standards do not become meaningless. We see nothing in the allegations in the present case to warrant invoking either exception.

Therefore, our October 11 decision is affirmed.


Deputy Comptroller General
of the United States