



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Priority Package Delivery Inc.

File: B-257044.2

Date: November 16, 1994

DECISION

Priority Package Delivery Inc. protests the Department of Veterans Affairs actions in awarding a contract under solicitation No. 528-05-94

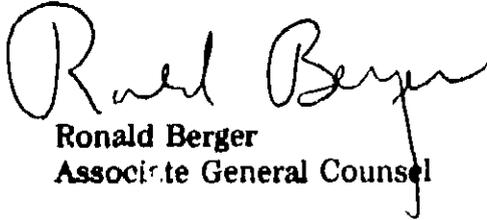
We dismiss the protest because the initial protest to the agency was not timely filed. Specifically, Priority Package was notified of the award on August 17, 1994. Priority Package promptly requested and received a debriefing on August 30. Priority Package protested the award to the agency in a letter dated September 16, but not received by the agency until September 19, more than 10 working days later.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests based on alleged improprieties in a solicitation must be filed prior to bid opening or the time established for receipt of proposals. Protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Further, our Regulations provide that a matter initially protested to the agency will be considered only if the initial protest to the agency was 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.

Priority Package concedes that the agency-level protest was untimely but requests that we consider the protest here anyway. Our Regulations do provide for consideration of an untimely protest if the protest raises a "significant issue" or if "good cause" is shown. These exceptions are strictly construed and rarely used in order to prevent our timeliness 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 protest is dismissed.


Ronald Berger
Associate General Counsel