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UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

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B-205145

November 2, 1981

The Honorable Donald J. Mitchell
House of Representatives

Dear Mr. Mitchell:

This is in response to your letter of September 30, 1981, forwarding a protest on behalf of A&R Security-Patrols and Investigations, Inc. against cancellation by the General Services Administration (GSA) of a solicitation for security guards for Federal buildings in the areas of Albany, Troy, and Schenectady, New York.

The letter from Rocco J. DePaul, president of A&R, to your office indicates that on September 23, 1981, the firm was advised that GSA had found the solicitation, Project No. 2PPB-PF-19,719, ambiguous and planned to resolicit. A&R, the incumbent contractor and only bidder, contends that the solicitation was not ambiguous and that it should have been awarded the contract.

A&R's letter, along with yours, was not received in this Office until October 8, 1981, and is therefore untimely under our Bid Protest Procedures, 4 C.F.R. § 21.2 (1981). These procedures require that protests be filed--defined as received--with GAO within 10 working days after the basis for them is known or should have been known, whichever is earlier. Thus, in order to be considered on the merits, A&R's protest should have reached GAO no later than October 7, 1981.

Our timeliness standards are strictly construed, and are applied regardless of whether a protest is filed directly by a protester, through counsel, or through a congressional representative. They were adopted in order to permit us to decide an issue while it still may be practicable to recommend corrective action, if warranted. The only exceptions are when good cause is shown or when a protest raises a significant issue; the former means that some compelling reason, beyond the control of the protester, has

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prevented filing of a timely protest, while the latter usually involves a principle or procedure of widespread interest which has not previously been decided by our Office. See 52 Comp. Gen. 20 (1972). In our opinion, neither of these circumstances is present in A&R's case.

We trust you will understand why we must decline to consider A&R's protest.

Sincerely yours,

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel