

## DECISION



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

FILE: B-196424

DATE: December 13, 1979  
C 2459

MATTER OF: Ronald Campbell Company--Reconsideration 3352

*[Protest Against Alleged Flaws in Solicitation]*  
DIGEST:

Since issues raised in present protest have been considered in previous GAO decisions, they are not "significant" under 4 C.F.R. § 20.2(c) (1979) exception to untimeliness rules. Therefore, prior decision refusing to consider untimely protest is affirmed.

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Ronald Campbell Company (Campbell) requests reconsideration of our decision in Ronald Campbell Company, B-196424, October 24, 1979, 79-2 CPD 292, in which we dismissed Campbell's protest against alleged flaws apparent on the face of the solicitation as untimely filed. Campbell urges our consideration of the merits of its protest under the "significant issue" exception to our untimeliness rules, 4 C.F.R. § 20.2(c) (1979).

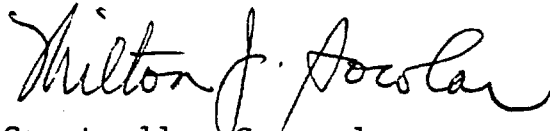
We have taken the position that such a request will not be honored where the issues raised have been previously considered because such issues are not, in our opinion, significant. D.A. Cruciani and Frank A. Agnone, B-187958, December 21, 1976, 76-2 CPD 518. For the following reasons, we believe that the issues Campbell presents are not appropriate for our consideration under the significant issue exception.

The solicitation requires the contractor to serve as a clearinghouse for Government orders of commercial publications. The Government sends its order to the contractor which, in turn, parcels the orders out to the various publishers of the required publications. Although the clearinghouse function is usually performed by a dealer, like Campbell, it can be performed by a publisher. In the latter case, the publisher furnishes its own publications and acquires the balance of the required publications in the same manner that a dealer would.

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Campbell's protest challenges the solicitation on two grounds: (1) Campbell believes it is improper to allow publishers to compete against dealers since the publishers enjoy certain inherent competitive advantages over dealers; and (2) Campbell believes that the solicitation is unnecessarily lengthy and that it contains ambiguous, confusing and unnecessary requirements in excess of the Government's minimum requirements. The first issue was considered in Aerospace Engineering Services Corporation, B-184850, March 9, 1976, 76-1 CPD 164, and the second issue in Raytheon Company - Reconsideration, B-184375, April 29, 1976, 76-1 CPD 288.

Accordingly, the protest is not for consideration on its merits and our prior decision dismissing the protest as untimely is affirmed.



For the Comptroller General  
of the United States