

29055

**DECISION**



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

**FILE:** B-215479.2

**DATE:** August 13, 1984

**MATTER OF:** IAL Communications Systems Inc.--  
Reconsideration

**DIGEST:**

GAO will not consider the merits of an untimely grant complaint that the complainant argues raises a significant issue where the issue--allegedly restrictive requirements--has been considered on many occasions.

IAL Communications Systems Inc. requests reconsideration of our decision in IAL Communications Systems Inc., B-215479, June 26, 1984, 84-1 CPD ¶ 674, in which we dismissed as untimely IAL's complaint about unduly restrictive specifications in connection with a solicitation issued by the Southeastern Michigan Transportation Authority for radio equipment. The contract is to be funded in substantial part through a grant by the Urban Mass Transportation Administration (UMTA), at which IAL had raised the same complaint before bringing the matter to our attention. We deny the reconsideration request.

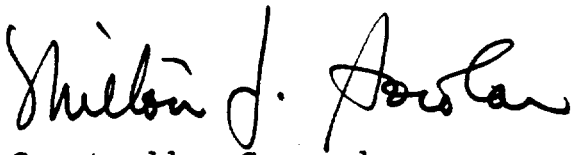
In our decision, we pointed out that a complaint concerning a contract under a federal grant must be filed in our Office within a reasonable time after an adverse decision by the grantor, so that we can consider an issue while it is still practicable to recommend corrective action if warranted. We held that IAL, which filed the complaint with this Office more than 2 months after UMTA denied the firm's request for reconsideration of an earlier adverse decision, had not filed within a reasonable time.

IAL now argues that we should consider the complaint anyway because the 2-month delay in filing with our Office had no real effect on the practicability of any possible corrective action, and because of the alleged import of the issue raised.

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Our Bid Protest Procedures, which apply to direct federal procurements, set precise time limits for filing bid protests, see 4 C.F.R. § 21.2 (1984), for the same purpose as in the grant situation: to enable us to decide an issue while corrective action is possible. Caravelle Industries, Inc., 60 Comp. Gen. 414 (1981), 81-1 CPD ¶ 317. To maintain the integrity of our bid protest timeliness rules, we have decided that we will consider the merits of a bid protest not filed within the precise time frame required only for good cause shown, or where the protest raises an issue significant to procurement practice or procedure. 4 C.F.R. § 21.2(c). To the extent IAL is suggesting that an exception like the one for significant issues should apply to untimely grant complaints, we have invoked that exception only sparingly, and then only in bid protests involving matters of widespread interest, and which have not been previously considered. See Kearflex Engineering Company, B-212537, Feb. 22, 1984, 84-1 CPD ¶ 214. IAL's complaint is against allegedly unduly restrictive specifications, the sort of issue we have considered on many occasions. See, e.g., Foremost Foods, Inc., B-208320, June 9, 1983, 83-1 CPD ¶ 632. Accordingly, we will not waive the filing requirement in issue.

IAL's request for reconsideration is denied.

*for*   
Comptroller General  
of the United States