

DECISION

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

29747

FILE: B-212703.3**DATE:** November 5, 1984**MATTER OF:** Grieshaber Manufacturing Company, Inc.--
Request for Reconsideration**DIGEST:**

1. Where protester merely reiterates the arguments made in its original protest and disagrees with prior decision, GAO will not further consider the matter.
2. Since whether a particular protester should have been eligible for labor surplus area status turns on the facts and circumstances of the particular case, it is not a matter of widespread interest to the procurement community and does not affect a broad class of procurements. Therefore, it is not a significant issue" under the GAO Bid Protest Procedures so as to warrant consideration despite its untimely filing.

Grieshaber Manufacturing Company, Inc. (Grieshaber), requests that we reconsider our decision in Alan Scott Industries; Grieshaber Manufacturing Company, Inc., B-212703, B-212703.2, Sept. 25, 1984, 63 Comp. Gen. ____, 84-2 C.P.D. ¶ 349. Grieshaber argued that the Defense Logistics Agency should not have found the Surgical Instrument Company of America (SICOA) eligible for foreign qualifying country status and, therefore, SICOA's offer should not have been evaluated on an equal basis with Grieshaber's offer of a domestic end product. We found that SICOA did offer to supply a foreign qualifying country end product and, therefore, that firm's offer was correctly evaluated on an equal basis with Grieshaber's. We also rejected Grieshaber's argument that SICOA's offer should have been rejected because SICOA failed to list its source of domestic specialty metal. Also, we refused to consider Grieshaber's contention that it should have been found eligible for labor surplus area (LSA) status since Grieshaber untimely protested that issue. We affirm our prior decision.

Grieshaber contends that our original decision erroneously stated that "SICOA certified that all its offered items were West German 'end products.'" Grieshaber also argued in its original protest that SICOA had fa

030518

certify that its offered product was a participating country end product. We considered and rejected this argument in our original decision.

Section 21.9 of our Bid Protest Procedures, 4 C.F.R. § 21.9 (1984), provides that requests for reconsideration "shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is warranted, specifying any errors of law made or information not previously considered." Grieshaber's request for reconsideration merely reiterates arguments made in its original protest and disagrees with our decision. Therefore, we will not consider these arguments further. See Schultes Level, Inc., B-213014.2, Feb. 27, 1984, 84-1 C.P.D. ¶ 237.

Grieshaber also contends that our original decision erroneously stated that "there was no requirement that SICOA list its source of specialty metal." Here, again, Grieshaber merely reiterates an argument from its initial protest. Grieshaber argued that SICOA's offer should have been rejected because SICOA failed to list its source of domestic specialty metal. We considered this argument and rejected it in our original decision, on the basis that the source of the end product was stated in a letter accompanying its offer; therefore, there is no reason to consider this argument further. See Schultes Level, Inc., B-213014.2, supra.

Grieshaber also requests that we consider the issue of Grieshaber's LSA status under the "significant issue" exception to our timeliness requirement. See 4 C.F.R. § 21.2(c) (1984). This exception, however, contemplates a protest that involves a procurement principle of widespread interest or that affects a broad class of procurements. CMD, Inc.; DMC, Inc., B-209742, May 25, 1983, 83-1 C.P.D. ¶ 565. In order to prevent the timeliness requirement from becoming meaningless, this exception is strictly construed and seldom used. Kearflex Engineering Company, B-212537, Feb. 22, 1984, 84-1 C.P.D. ¶ 214. The question involved here--whether Grieshaber should have been eligible for LSA status--turns on the special facts and circumstances of this case. The question is not of widespread interest to the procurement community nor does it affect a broad class of procurements. CMD, Inc.; DMC, Inc., B-209742, supra.

Our prior decision is affirmed.

for *Milton J. Fowler*
Comptroller General
of the United States