



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Roofing Services, Inc.  
**File:** B-233449.2  
**Date:** December 21, 1988

### DIGEST

The General Accounting Office (GAO) will not consider the merits of an untimely protest under the significant issue exception to GAO's timeliness requirements where the issues raised are not matters of first impression or of widespread interest to the procurement community.

### DECISION

Roofing Services, Inc. (RSI) requests reconsideration of our dismissal as untimely of its protest concerning invitation for bids (IFB) No. N62474-88-B-8169 issued by the Naval Facilities Engineering Command for roof repairs.

We affirm the dismissal.

In its initial protest, filed November 3, 1988, RSI protested that the IFB's warranty requirement violated the Federal Acquisition Regulation (FAR) prohibition against unnecessarily restrictive specifications and the requirement for full and open competition. We dismissed the protest under 4 C.F.R. § 21.2(a)(1) (1988) because the protest was based on an alleged impropriety in the solicitation but was not filed prior to bid opening.

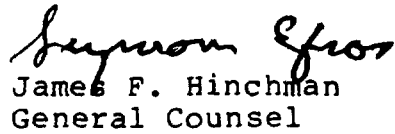
RSI argues in its request for reconsideration that our timeliness regulations do not apply because the protester's failure to timely protest does not waive the requirement that the Navy comply with the FAR.

There is no merit to RSI's position. The allegation that the specifications were unduly restrictive does not make them so; in response to a timely protest, however, we would have considered whether the challenged provision was indeed unduly restrictive. In the absence of a timely protest, we will not consider a protest allegation under the circumstances here unless it raises issues significant to

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the procurement system. 4 C.F.R. § 21.2(c). This significant issue exception is strictly construed and will be invoked only where we believe that the subject matter of the protest is of widespread interest or importance to the procurement community and involves a matter that has not been considered by this Office in a previous decision. Systems Research Laboratories, Inc., B-229968, Mar. 21, 1988, 88-1 CPD ¶ 293. RSI's protest does not fall with this exception. Accordingly, we will not consider this protest on the merits under our significant issue exception.

Our prior dismissal is affirmed.

  
James F. Hinchman  
General Counsel