



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Mirada Associates--Reconsideration

**File:** B-246376.2

**Date:** January 2, 1992

Scott A. Honiberg, Abt Associates, Inc., for the protester. Aldo A. Benejam, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Protest filed more than 10 working days after the protester was orally informed of the basis of its protest is untimely since oral information is sufficient to put the protester on notice of the basis of its protest; written information is not required.

### DECISION

Mirada Associates requests reconsideration of our November 12, 1991, summary dismissal of its protest challenging the award of a contract to R&G Medical Consultants under request for proposals (RFP) No. DAMD17-91-R-111, issued by the Department of the Army. We dismissed Mirada's protest as untimely because it was filed more than 10 working days after the protester knew, or should have known, of the basis of its protest. See 4 C.F.R. § 21.2(a)(2) (1991).

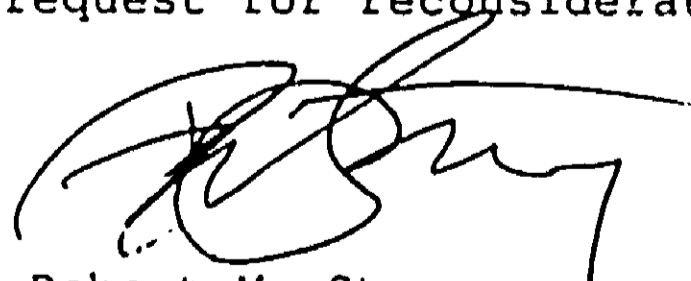
We deny the request for reconsideration.

On reconsideration, Mirada states that the agency provided the firm with verbal information regarding the award over a period of time between October 1 and October 15, 1991. The protester argues that the timeliness of its protest should not be determined with reference to the October 1 date, because Mirada continued to discuss the evaluation of its proposal until October 15. Mirada thus argues that our Office should consider its October 22 protest because it was filed within 10 working days from October 15.

As explained in our decision, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268. The record shows that Mirada was orally debriefed by the contract specialist on October 1, 1991; specifically, Mirada was informed that it was not selected for award because the firm did not meet certain requirements in the RFP. Having been informed of the basis for its protest, to be timely, Mirada had to have filed its protest with our Office within 10 working days of October 1, or by October 15. Mirada's protest, filed on October 22, was therefore properly dismissed as untimely. The fact that Mirada continued to pursue the matter with the agency after its proposal was rejected rather than filing a protest with our Office does not toll our timeliness requirements. Midwest CATV--Recon., B-233105.4, July 20, 1989, 89-2 CPD ¶ 64.

Mirada also argues that we should consider the protest notwithstanding our timeliness rules because it concerned alleged "improprieties on the part of the government." Our timeliness rules reflect the dual requirement of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Grant Technical Servs., B-235231.2, May 26, 1989, 89-1 CPD ¶ 514. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely invoked. Brandebury Aerostructures Inc.--Recon., B-236792.2, Oct. 10, 1989, 89-2 CPD ¶ 334. Under the significant issue exception to our timeliness rules, we will consider untimely protest only if it raises an issue of first impression and of widespread interest to the procurement community. See 56 Fed. Reg. 3759 (1991) (to be codified at 4 C.F.R. § 21.2(c)); Hunter Env'tl. Servs., Inc., B-232359, Sept. 15, 1988, 88-2 CPD ¶ 251. Here, while we recognize the importance of the matter to Mirada, its protest does not present an issue of such widespread interest or importance to the procurement community so as to justify invoking the exception, merely because the protest alleged "improprieties on the part of the government."

The request for reconsideration is denied.



Robert M. Strong  
Associate General Counsel