



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Heli-Support, Inc.—Reconsideration

File: B-260052.2

Date: April 17, 1995

DECISION

Heli-Support, Inc. requests reconsideration of our January 20, 1995, dismissal of its protest of the award of a contract under solicitation No. WRO-94-B-0095 issued by the Department of Justice, Immigration and Naturalization Service (INS). We dismissed Heli-Support's protest as untimely filed under our Bid Protest Regulations because it was filed more than 10 working days after the protester initially received actual or constructive knowledge of the adverse agency action on its protest. 4 C.F.R. § 21.2(a)(3).

On reconsideration, Heli-Support asserts that because our Bid Protest Regulations provide for the review of an untimely protest for "good cause" or where it raises a "significant issue," we should consider its protest under these exceptions. We decline to do so.

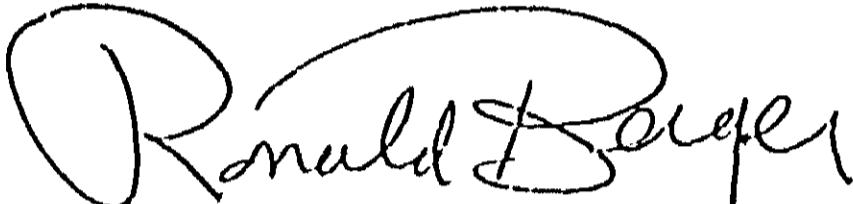
Heli-Support's basis for protest is that the awardee does not meet the solicitation requirement that the contractor be an approved American Eurocopter Corporation repair facility/shop. On reconsideration, Heli-Support argues that the issue raised is significant because the decision to award the contract to an entity that is not a Eurocopter-approved repair station has significant implications in any action arising out of maintenance or part failure for INS.

The exceptions to our timeliness rules are strictly construed and rarely used in order to prevent our rules from becoming meaningless. Air Inc.—Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. We limit the use of the "significant issue" exception to protests that raise issues of widespread procurement

interest and which have not been previously considered on the merits. See Eurometallis.p.a.-recon., B-250522.2, Apr. 15, 1993, 93-1 CPD ¶ 323. We do not agree that Hell-Support's issue is of widespread procurement interest--the concern raised essentially has implications only for the awarded contract. Therefore, we do not view the issue as significant.

"Good cause" refers to a compelling reason beyond the protester's control that prevented it from filing a timely protest. Central Texas College, B-245233.5, Feb. 6, 1992, 92-1 CPD ¶ 151. The protester has presented nothing to establish the existence of good cause here.

The request for reconsideration is denied.


Ronald Berger
Associate General Counsel