



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

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B-188768

MAR 7 1978

The Honorable Harry F. Byrd, Jr.
United States Senate

Dear Senator Byrd:

We refer to your letter to our Office dated January 16, 1978 (d), concerning the request of Mr. Harold H. Lion, President of Lion Recording Services, Inc., that you ascertain why it took 8 months to conclude that the firm's bid protest to our Office was not timely filed.

Lion Recording Services, Inc. (Lion), filed its protest against the award of a contract by the United States Information Agency (USIA) to Podel Audio Services for sound recording, transfer and mixing services and materials for the period March 11, 1977, through March 10, 1978, with our Office on April 5, 1977. It was not apparent from Lion's submission that there was any problem with the timeliness of its protest. However, pursuant to our Bid Protest Procedures, 4 C.F.R. part 20 (1976), copy enclosed, USIA submitted a report responsive to the protest in which the Agency contended that Lion's protest was untimely filed with our Office. Lion was given an opportunity to comment on the report, and took exception to USIA's contention that its protest was untimely. At the protester's request, a conference attended by Lion and USIA was held at our Office to discuss both the timeliness and merits of the protest; the parties were given an opportunity to submit written, post-conference comments. Our decision in Lion Recording Services, Inc., B-188768, 77-2 CPD 114, was issued on August 12, 1977. Lion's protest was dismissed as untimely and, therefore, not for consideration on the merits because it was filed with our Office more than 10 working days after Lion knew or should have known the basis for the protest. 4 C.F.R. § 20.2(b)(2) (1976).

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In accordance with section 20.9 of our Bid Protest Procedures, Lion filed a request for reconsideration of the above-cited decision on August 18, 1977, asserting that our finding of untimeliness was in error. During reconsideration of the decision, additional documents were requested from USIA and were furnished to Lion for comment. Our decision in Lion Recording Services, Inc.--Reconsideration, E-188768, 77-2 CPD 366, in which we affirmed our prior decision that Lion's protest was untimely filed, was issued on November 15, 1977.

Time limitations on the submission of bid protests were adopted in order to permit our Office to decide issues while it is still practicable to take corrective action with respect to the procurement in question. We, therefore, decline to consider on the merits bid protests which are not timely filed under our Bid Protest Procedures except where good cause is shown or the protest raises a significant procurement issue. Neither of these exceptions was applicable to Lion's protest.

For your further information and convenience, we have enclosed chronologies of the stages of the protest and the reconsideration.

A copy of this letter is being furnished to Senator William L. Scott.

Sincerely yours,

R.F. KELLER

REPLY

Comptroller General
of the United States

Enclosures - 3

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Lion Recording Services, Inc., B-188768, August 12, 1977,
77-2 CPD 118

April 5, 1977	Protest filed with GAO
April 15, 1977	Received letter from Lion
May 13, 1977	Received USIA Report on protest
May 18, 1977	GAO letter to Lion requesting comments
May 24, 1977	Received Lion's comments on USIA Report
May 26, 1977	Received Lion's request for conference
May 31, 1977	Received USIA rebuttal to Lion's comments
June 2, 1977	Protest conference Received letter from Lion
June 8, 1977	Received Lion's post-conference comments Granted USIA extension to submit one affidavit
June 9, 1977	Received USIA post-conference comments, except affidavit
June 14, 1977	Received Lion's rebuttal affi- davit
June 21, 1977	Received remaining USIA affida- vit

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June	23, 1977	Received letter from Lion
June	28, 1977	Received letter from USIA
July	21, 1977	Draft decision submitted for typing
July	26, 1977	Draft decision submitted for review
July	28, 1977	Decision submitted for final typing
August	1, 1977	Decision submitted for signa- ture
August	12, 1977	Decision issued

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Lion Recording Services, Inc.--Reconsideration,
B-188768, November 15, 1977, 77-2 CPD 366

August 18, 1977	Request for reconsideration filed with GAO
August 19, 1977	Received letter from Lion
August 23, 1977	Called USIA to request additional documents
September 1, 1977	Received requested documents from USIA.
September 6, 1977	Called Lion to advise sending copies of USIA documents for comments.
September 7, 1977	Received letter from Lion
October 11, 1977	Draft decision submitted for typing
October 18, 1977	Draft decision submitted for review
October 19, 1977	Decision submitted for final typing
October 28, 1977	Decision submitted for signature
November 9, 1977	Lion called; requested USIA's letter of August 30, 1977. Decision withdrawn and held for Lion's comments.
November 10, 1977	Mailed requested letter to Lion
November 11, 1977	Lion called, will not comment further. Decision resubmitted for signature
November 15, 1977	Decision issued.