

**DECISION**

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

Pl-2  
Martin

120202

**FILE:** B-208528.3

**DATE:** December 22, 1982

**MATTER OF:** Central Texas College

**DIGEST:**

Protester whose initial protest was dismissed as untimely because it concerned an alleged impropriety in a solicitation but was not filed until after bid opening, may not obtain GAO's consideration of the same issue in a subsequent protest of the award of the contract because that would circumvent the purpose of GAO's timeliness requirements, which is to give protesters and interested parties fair opportunity to present their cases with minimal disruption to the orderly and expeditious process of Government procurements.

Central Texas College protests the award of a contract under invitation for bids (IFB) No. DABT31-82-B-0088, issued by Ft. Leonard Wood, Department of the Army. Central contends that in making the award, the contracting officer failed to consider Army regulations and other internal agency directives which restrict competition for certain educational services contracts to only regionally or nationally accredited institutions. For the reasons discussed below, this protest is dismissed.

Central previously protested the proposed award of this contract on essentially the same grounds as it now presents against the award itself. Since the deficiencies which Central alleged were apparent on the face of the IFB, we dismissed the earlier protest because it was untimely under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982). Central Texas College, B-208528, et al., October 20, 1982, 82-2 CPD 350. The only additional information now presented by Central is the text of an Army Message (R071831Z Sep 82) intended for consideration by procuring officers when

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questions of accreditation requirements arise under Army Regulation 621-5, dated October 15, 1981. The message explains where the Army-recognized regional and national accrediting bodies are listed but does not change any of the requirements.

We will not consider Central's new protest. To do so would render meaningless our requirements with respect to timeliness by permitting those who initially fail to submit a timely protest of an alleged deficiency in a solicitation to have the same issue considered under the guise of a subsequent protest against the award of the contract. This would circumvent the purpose of our timeliness requirements, which are designed to give protesters and interested parties a fair opportunity to present their cases with minimal disruption to the orderly and expeditious process of the Government procurements. See Bird-Johnson Company--Request for Reconsideration, B-199445.3, October 14, 1980, 80-2 CPD 275.

*Harry R. Van Cleve*  
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Acting General Counsel