

16110

DECISION



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

FILE: B-187310

DATE: October 5, 1976

MATTER OF: Uniroyal Inc.

DIGEST:

Protest against alleged impropriety in solicitation as to method of evaluation not filed prior to closing date for receipt of proposals with either contracting agency or GAO is untimely.

Uniroyal Inc. has protested against the award of a contract made by the Defense General Supply Center, Richmond, Virginia, under request for proposals (RFP) No. DSA40C-76-R-5117. The closing date for receipt of proposals was August 13, 1976. Under the terms of the RFP the required plastic sheets could be 36 to 42 inches wide and 48 to 56 inches long. An award was made based on the lowest cost per sheet.

Uniroyal protested the award to this Office on August 26, 1976, on the grounds that evaluation should have been performed on a cost-per-square-foot basis because of the size tolerances allowed for the plastic sheets.

Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. Part 20 (1976), provides that protests based upon alleged improprieties in the solicitation which are apparent prior to the closing date for receipt of proposals shall be filed (received) prior to such closing date to be timely.

Here, the PFP did not provide that evaluation of the offers was to be on a cost-per-square-foot basis, but on the basis of cost per sheet. Since it was apparent that the offers were to be evaluated solely on cost per sheet, Uniroyal's protest is untimely and not for consideration on the merits as it was filed after the closing date for receipt of proposals.

Milton Fowler

for Paul G. Dembling
General Counsel