

11560 PL-2

DECISION



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

FILE: B-195945

DATE: October 1, 1979

MATTER OF: Memorex Corporation — CNG01219

DIGEST:

[Protest alleging solicitation improprieties which was hand-carried to GAO 14 minutes after time set for receipt of proposals is untimely and will not be considered on the merits since under GAO Bid Protest Procedures any protest against solicitation improprieties must be filed prior to closing date.]

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AFC 00378*

Memorex Corporation protests against improprieties allegedly contained in solicitation No. DLAH00-79-R-0125 issued by the Defense Logistics Agency (DLA) for disk drives and control units.

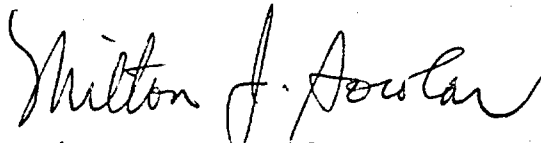
Memorex contends that: (1) the solicitation stated that factors other than price would be considered in the selection of an offeror but DLA failed to specify the significant evaluation factors and the relative order of importance of the factors; (2) the solicitation did not comply with all applicable statutes and regulations concerning subcontracting to small and small-disadvantaged businesses; and (3) the solicitation used unduly restrictive features which improperly and unnecessarily limit effective competition to the offerings of a single vendor.

Protests based upon alleged improprieties in any type of solicitation, which are apparent prior to bid opening or the closing date for receipt of initial proposals, must be filed "prior to bid opening or the closing date for receipt of initial proposals" as provided in section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. Part 201 (1979). We understand from DLA that the closing date for receipt of proposals was September 4, 1979, at 3 p.m. Memorex's letter of protest was hand-delivered to our Office on September 4, 1979, at 3:14 p.m., 14 minutes after the time set for

007139

receipt of proposals, the deadline for filing this protest. See California Computer Products, Inc., B-193437, December 5, 1978, 78-2 CPD 391, and Somervell & Associates, Ltd., B-192426, August 18, 1978, 78-2 CPD 132.

Accordingly, the protest is untimely and not for consideration on the merits.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar
General Counsel