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DECISION



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

FILE: B-205792

DATE: January 8, 1982

MATTER OF: Ingersoll-Rand

DIGEST:

Protest that competitive procurement should have been conducted on a sole-source basis and that a testing requirement should have been included in the solicitation is dismissed since protest is based on apparent improprieties in solicitation and should have been filed with GAO prior to the closing date for receipt of quotations.

Ingersoll-Rand (Rand) protests award of a contract to supply the impeller component for boiler feed pumps used on Navy vessels, issued by the Department of the Navy under request for quotations (RFQ) N00104-81-T-MC64.

We dismiss the protest.

The protester makes two alternative arguments: (1) that the impeller should be procured from the protester on a sole-source basis or (2) that if the Navy believes other firms can supply the required part, the Navy should test the impeller in the original Rand pump to ensure the part performs properly because use of a replicated part in original Rand equipment can result in damage to property and person exposing Rand to potential product liability.

Regarding the contentions concerning the basis on which quotations were requested, and the failure of the Navy to include a requirement that parts offered by sources other than Rand be tested to ensure satisfactory performance, section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. part 21 (1981), requires that a protest alleging an impropriety apparent from an RFQ be filed prior to the closing date for receipt of quotations. The Navy informally advises that Rand was sent a copy of the solicitation which contained notice of the closing date of October 14, 1981. Rand's protest, however, was filed in our Office on

December 11, 1981. Accordingly, these issues were not timely raised and will not be considered.

We also point out with regard to Rand's contention that only Rand can supply the required part that in view of the objective of our bid protest function to insure full and free competition for Government contracts, as a general matter, our Office will not review a protest that an agency should procure an item from a particular firm on a sole-source basis. Ingersoll-Rand Company, B-203727, July 2, 1981, 81-2 CPD 6.

We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel