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Rand

DECISION



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

FILE: B-206066

DATE: February 3, 1982

MATTER OF: Ingersoll-Rand

DIGEST:

Protest that competitive procurement should have been conducted on a sole-source basis and that a requirement of a certification that the parts are free from mercury contamination 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 piston rings for a compressor used for submarine service, issued by the Defense Construction Supply Center (DCSC) under request for quotations (RFQ) DLA700-18-T-JS81.

We dismiss the protest.

The protester makes alternative arguments: (1) that the piston rings should be procured from the protester on a sole-source basis or (2) that the RFQ should have included a mercury certification requirement, that is, a requirement that the part supplied is free from mercury contamination. Rand alleges that only a certified part, which Ingersoll-Rand provides as the original equipment manufacturer, will ensure proper performance of the compressor and eliminate the potential for damage to property and person. Otherwise, Rand contends that it could be exposed to potential product liability.

Regarding the contentions concerning the basis on which quotations were requested, and the failure of the Navy to include a mercury certification requirement, 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. Rand's letter of protest,

dated January 8, 1982, indicates that Rand submitted a quotation in response to this RFQ and protested only after it received notice of an award to another supplier on January 4, 1982. Thus, Rand's protest was clearly filed after the closing date for receipt of quotations. 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