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DECISION



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

FILE: B-210179

DATE: January 12, 1983

MATTER OF: Dialcom, Inc.

DIGEST:

Protest contending that a solicitation contained improper benchmarking procedures and inadequate evaluation criteria is dismissed as untimely because it was not filed prior to the closing date for receipt of proposals.

Dialcom, Inc. (Dialcom), protests solicitation No. RW-82-0115 issued by the Office of Personnel Management (OPM) for teleprocessing services. Dialcom asserts that: (1) the solicitation evaluation criteria do not adequately explain how the cost components will be evaluated; (2) the benchmark test called for substantial manual input by machine operators, which does not measure the true system costs; (3) the solicitation evaluation formula assigns 60 points to technical criteria and 40 points to cost criteria, which is inappropriate for a teleprocessing services procurement where all terms and conditions have already been negotiated with the General Services Administration; and (4) the technical evaluation criteria includes "response time," which consists of human interaction (keyboard strokes) and evaluates typing speed rather than equipment speed.

The solicitation was issued by OPM on August 6, 1982. By amendment dated September 1, 1982, the evaluation criteria and the benchmark test procedures to which Dialcom objects were specified and an October 6, 1982, closing date was set for the receipt of initial offers.

Dialcom submitted its offer on October 6, 1982, and performed the first benchmark test on December 6, 1982, at which time it first requested clarification of the evaluation criteria from the OPM contracting officer. Dialcom's subsequent protest was filed (received) in our Office on December 14, 1982.

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Under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982), a protest against alleged apparent improprieties in a solicitation must be filed prior to the closing date for receipt of initial proposals. All of Dialcom's protest grounds relate to alleged deficiencies which were apparent from the face of the solicitation. The earliest that Dialcom raised any questions in this respect was on December 6, 1982, 2 months after the closing date. The protest is, therefore, untimely because it was not filed with OPM or our Office until after the closing date for the receipt of initial proposals.

We dismiss the protest.

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