

DECISION

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

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FILE: B-214892; B-214894**DATE:** May 2, 1984**MATTER OF:** McGraw-Edison Company**DIGEST:**

1. Protests regarding the acceptability of the awardee's parts are dismissed as untimely where the awardee's parts were identified in the solicitations as acceptable but the protests to GAO were not filed until after the closing dates for receipt of quotations.
2. Protester's complaints regarding the solicitations' identification of a competitor's parts as acceptable are essentially allegations that the solicitations were not sufficiently restrictive, a matter that GAO generally will not consider under its Bid Protest Procedures.

McGraw-Edison Company protests the award by the Defense Industrial Supply Center, Defense Logistics Agency, of contracts to Calabrese & Sons, Inc. for 40 of one type of sleeve bushing under request for quotations (RFQ) No. DLA500-84-U-K658 and for 104 of another type of sleeve bushing under RFQ No. DLA500-83-T-Y710. We dismiss the protests as untimely.

In each of these procurements, the RFQ identified the required bushings by Worthington and Calabrese part numbers. The protester, who apparently markets the Worthington parts, contends that the parts being procured from Calabrese have not been tested properly and were not manufactured in accordance with necessary drawings. The protester claims a proprietary interest in those drawings.

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B-214892; B-214894

Our Bid Protest Procedures provide that protests based upon alleged improprieties in any type of solicitation that are apparent prior to the closing date for receipt of initial proposals must be filed prior to that date. 4 C.F.R. § 21.2(b)(1) (1983). Here, the alleged impropriety of which the protester complains--the willingness of the agency to contract for Calabrese parts--was apparent from the solicitations, the closing dates for which were February 8, 1983 and March 18, 1984. Since the protests with this Office were not filed until April 6, 1984, they are untimely and will not be considered. See Olympia USA Inc., B-213554.2, Dec. 12, 1983, 83-2 CPD ¶ 670.

In any event, the possibility that a competitor's parts may not work is primarily the concern of government personnel who will suffer any consequences should the parts prove unsatisfactory; it is not a matter of legal concern because the inclusion of other firms in the procurement is consistent with the statutory requirements to broaden competition. Worthington Group, McGraw-Edison Company, B-207348 et. al., June 4, 1982, 82-1 CPD ¶ 534. In essence, the protester's contention here is that the specifications were not sufficiently restrictive, an allegation that this Office generally will not consider under its Bid Protest Procedures. Drexel Heritage Furnishings Inc., B-213169, Dec. 14, 1983, 83-2 CPD ¶ 686.

We dismiss the protests.

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