

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

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FILE: B-213844.2; B-214343 **DATE:** May 18, 1984**MATTER OF:** Salem Manufacturing & Sales, Inc.**DIGEST:**

Protests that the contracting agency improperly restricted competition for shipboard pump impellers by citing a particular manufacturer's code and part number is dismissed where the protests were received after bid opening.

Salem Manufacturing & Sales, Inc. (Salem), protests any award of a contract under requests for proposals (RFP) Nos. DLA700-83-R-1001 (B-213844.2) and RFP No. DLA700-84-R-0531 (B-214343), issued by the Defense Logistics Agency (DLA) for shipboard pump impellers provided by the original equipment manufacturer or approved alternates.

We dismiss the protests as untimely.

Salem contends that DLA restricted the procurements to one source by citing a particular manufacturer's code and part number instead of soliciting under certain government-owned drawings, as was done under previous procurements.

Salem's protests concern an alleged impropriety in the solicitations which was apparent prior to the closing date for submission of initial proposals and was required to be filed with our Office or DLA prior to that date. 4 C.F.R. §§ 21.2(a) and (b)(1) (1983). For the purpose of our timeliness requirements, "filed" is defined as "receipt in the contracting agency or in the General Accounting Office as the case may be." 4 C.F.R. § 21.2(b)(3) (1983).

The closing date for submission of initial proposals under RFP No. DLA700-83-R-1001 was May 9, 1983; Salem filed its protest concerning that solicitation with our Office on December 2, 1983. The closing date for submission of initial proposals under RFP No. DLA700-84-R-0531 was February 6, 1984; Salem filed its protest concerning that solicitation with our Office on February 13, 1984.

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Accordingly, Salem's protests will not be considered on the merits.

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