DECISION

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

FILE: B-220730 **DATE:** December 27, 1985

MATTER OF: Rocky Mountain Trading Company

DIGEST:

Protest that bid was improperly rejected is denied where bid did not offer item required by specification. If protester wished to challenge allegedly restrictive specifications, it should have protested prior to bid opening.

Rocky Mountain Trading Company (RMTC) protests the rejection of its bid for microcomputers and peripheral equipment under invitation for bids F04612-85-B-0044 issued by Mather Air Force Base, California. The protester contends that its bid was improperly rejected as the product it offered is identical to the Sperry Model 400 required under the IFB.

We deny the protest.

RMTC offered a Leading Edge Microcomputer which it alleges is identical to the Sperry Model 400 microcomputer because both are manufactured by the same company. The Air Force contends however, that there are material differences between the Sperry model and the Leading Edge model which RMTC bid.

RMTC's bid was properly rejected because it did not offer the specific item required by the specification. There was no brand name or equal clause in the specification and offers for alternate items under a Products Offered clause were not solicited. A single award was contemplated under the IFB.

The specifications required that the microcomputer be equipped with a 20 megabyte fixed disk drive. RMTC's bid noted that "RMTC would add its own hard disk to the unit because Leading Edge does not currently ship 20 megabyte configurations of the Model MPC." The Air Force found this disk drive, to be installed by a third party and manufactured by an unknown company to be unacceptable.

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While RMTC, in its response to the Air Force's report on the protest, states that, as an added cost option, it can provide the identical hard disk used by Sperry, this does not alter the fact that as submitted its bid was nonresponsive. A nonresponsive bid may not be changed after opening to be made responsive. Siemens-Allis, Inc., B-218054, Feb. 8, 1985, 85-1 C.P.D. ¶ 169. Therefore, the rejection of RMTC's bid was proper.

RMTC's basic complaint throughout its protest is that the solicitation's specifications are restrictive. If a bidder wishes to challenge allegedly restrictive specifications our Bid Protest Regulations require that its protest must be filed with the contracting agency or our Office prior to bid opening. 4 C.F.R. § 21.2(a)(1) (1985). The bid opening date in this case was September 20, 1985, and RMTC did not file its protest with our Office until October 8, 1985.

The protest is denied.

Seymour Efros
for Harry R. Van Cleve
General Counsel