



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Allied Materials & Equipment Co., Inc.

File: B-225784

Date: March 20, 1987

DIGEST

Protest that agency improperly refused to extend closing date to allow protester the opportunity to submit a proposal is denied where adequate competition was obtained by the closing date and there was no deliberate attempt to exclude the protester from the competition.

DECISION

Allied Materials & Equipment Co., Inc. protests as inadequate the proposal preparation period for request for proposals (RFP) No. DAAK01-87-R-A030 issued by the Army for camouflage screen systems. We deny the protest.

The solicitation contemplated a 3-year requirements type contract with two 1-year option periods. The solicitation was issued on January 26, 1987, and established a closing date 30 days from that date. In response to a February 19, 1987, request from Allied to extend the closing date, the Army issued an amendment extending the closing date 8 more days to March 6, 1987. Allied now protests the Army's decision not to extend the closing date a second time to April 6, 1987.

Allied argues that the 38-day proposal preparation period does not allow offerors adequate time to seek suppliers of camouflage colored cloth and produce required cloth samples. In this regard, Allied points out that the solicitation requires that the contractor "sustain throughout the term of the contract . . . manufacturers of the color coated cloth." Allied states that it has attempted to purchase the cloth from three previous Army suppliers of camouflage systems which are also cloth manufacturers; however, these firms have

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not responded to Allied's request for quotes. Under these circumstances, Allied maintains that in order to insure maximum competition, offerors should be allotted additional time to seek alternate cloth suppliers.

The Army responds that the 38 days was adequate time to prepare proposals for this procurement and, as evidence, points to the fact that it received four proposals by the March 6, 1987, closing date at prices equal to or lower than prices for these items in previous procurements.

A contracting agency is required by statute to allow a minimum 30-day response period for all but a limited number of procurements. See 15 U.S.C. § 637(a)(3)(B) (Supp. III 1985). Here, since the proposal preparation period exceeded the 30-day minimum period required, we have no basis to question the agency in this regard. See Owl Resources Company, B-221296, Mar. 21, 1986, 86-1 C.P.D. ¶ 282.

Further, we find Allied's allegation that the Army was required to obtain maximum competition and extend the closing date in order to allow Allied to submit a proposal to be without merit. Since the agency's refusal to extend the closing date was not per se improper, we review the agency's action in this regard to determine whether adequate competition was obtained and whether there was a deliberate attempt to exclude the potential offeror. Owl Resources Company, B-221296, supra. Here, the Army states that four offers at reasonable prices were obtained by the March 6, 1987, closing date. We consider this to be adequate competition. See, e.g., Four Phase Systems, B-201642, July 22, 1981, 81-2 C.P.D. ¶ 56. In addition, there is nothing which indicates that the Army's refusal to extend the closing date a second time was a deliberate attempt to exclude Allied from the competition and Allied does not allege otherwise. In fact, the Army states that it initially extended the closing date to give Allied more time to prepare its proposal. We do not find that the Army was required to continue to extend the closing date to accommodate Allied. See Owl Resources Company, B-221296, supra; Analytics Incorporated, B-215092, Dec. 31, 1984, 85-1 C.P.D. ¶ 3.

The protest is denied.

for *Sepperson Eps*
Harry R. Van Cleve
General Counsel