



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: United Machinery Corporation
File: B-227923
Date: July 16, 1987

DIGEST

1. Protester's bid was properly rejected as nonresponsive where, as protester concedes, the product it offered did not meet specifications in invitation for bids.
2. Protest challenging specifications in invitation for bids as unduly restrictive of competition is untimely when filed after bid opening.

DECISION

United Machinery Corporation protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. 108-006-7, issued by the Department of Justice, Bureau of Prisons, for two washer-extractors and two clothes dryers. We dismiss the protest.

According to the protester, the IFB contained a list of detailed specifications for the washer-extractors taken directly from the specifications for a particular model manufactured by another firm. After bid opening on June 15, the protester was the apparent low bidder. The contracting agency rejected its bid as nonresponsive, however, because the model washer-extractor the protester offered did not meet several of the specification requirements in the IFB. While the protester maintains that its model performs as well or better than the model on which the specifications were based, the protester concedes that it does not meet all the specification requirements.

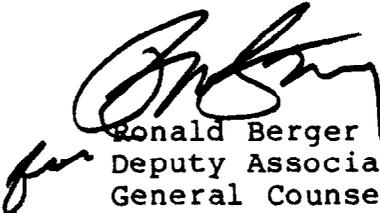
To be responsive a bid must represent an unequivocal offer to provide the exact service or product called for in the solicitation. Spectrum Communications, B-220805, Jan. 15, 1986, 86-1 CPD ¶ 49. Accordingly, in this case, the contracting agency properly rejected the protester's bid as nonresponsive based on its admitted failure to meet several

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of the specification requirements in the IFB. Varityper,
B-224367, Aug. 12, 1986, 86-2 CPD ¶ 181.

To the extent that the protester contends that the model it offered will meet the agency's needs as well as the brand name model on which the specifications were based, the protester is challenging the specifications as unduly restrictive of competition. That ground of protest is based on an alleged impropriety apparent from the face of the IFB, and as a result was required to be filed before bid opening. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1986). Since the protest was not filed until July 7, well after bid opening on June 15, the protest is untimely. Validyne Engineering Sales Corp., B-218369, Apr. 3, 1985, 85-1 CPD ¶ 387.

The protest is dismissed.


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