



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sycom, Inc.

File: B-234420

Date: March 1, 1989

DIGEST

Protest concerning an alleged solicitation deficiency is dismissed as untimely where not raised prior to the closing date for receipt of proposals.

DECISION

Sycom, Inc. protests that request for proposals No. N00123-89-R-5036 issued by the Naval Regional Contracting Center, San Diego, for preventive and on-call hardware maintenance repair and software support for Wang-brand computer equipment was unduly restrictive of competition because it required offerors to submit a proposal for both hardware and software maintenance.

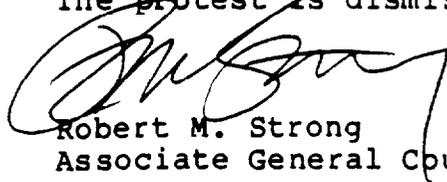
We dismiss the protest.

The Navy issued the solicitation as a small business set-aside. Sycom, the incumbent contractor for hardware maintenance, states it informed the contracting officer that only Wang Laboratories, the equipment manufacturer, could provide the software maintenance, which had not been a requirement under the previous contract, and asked that the hardware maintenance and software maintenance be solicited separately. According to Sycom, the Navy responded that other small businesses had indicated that they could meet the requirement and therefore the solicitation would not be changed. Sycom submitted a proposal, and on January 26, 1989, it received a letter from the Navy stating that the solicitation had been canceled because no small business could meet the requirements of the solicitation. Sycom protested to our Office on February 8, contending that the Navy should have separated the hardware and software maintenance requirements so that small businesses could have had an opportunity to compete.

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Our Bid Protest Regulations require that protests based on alleged improprieties apparent on the face of the solicitation be filed either with the procuring agency or our Office before the closing date for receipt of proposals. 4 C.F.R. § 21.2(a)(1) (1988). Since it does not appear that Sycom filed either with the Navy or our Office a written protest of the combination of the hardware and software requirements in the solicitation prior to the closing date for receipt of initial proposals, its protest is untimely and will not be considered.

The protest is dismissed.



Robert M. Strong
Associate General Counsel