



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Carrier Communications

File: B-241705

Date: December 6, 1990

Dale A. Preston for the protester.

Donald E. Weight, Esq., Department of the Air Force, for the agency.

C. Douglas McArthur, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest alleging solicitation improprieties is untimely where not filed prior to closing date for receipt of proposals.

DECISION

Carrier Communications protests the award of a contract under request for proposals (RFP) No. F04699-90-R-0095, issued by the Department of the Air Force for the maintenance of communications equipment. The protester contends that the solicitation was defective.

We dismiss the protest.

On August 27, 1990, the agency issued the solicitation for a 5-year fixed-price requirements contract for labor and equipment necessary for installation and removal and preventative and remedial maintenance of land mobile radio net equipment. The solicitation also required the successful contractor to provide nonroutine services, termed "over and above" work, such as repair and modification of equipment and frequency changes, on a cost-reimbursable basis.

The RFP provided for award on an "all or none" basis to the lowest "responsive," responsible offeror, based on the aggregate sum of all line items, consisting of monthly maintenance prices multiplied by 12 and the prices for removal and installation work, multiplied by estimated quantities set forth in the RFP. The RFP provided no estimated quantity for nonroutine services, although it instructed offerors to provide a fixed hourly rate for the negotiation of orders for such work.

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On September 26, the agency received three offers, the lowest from Motorola, Inc. Finding no need for discussions, the agency made award to Motorola as the low, acceptable offeror on October 1. This protest followed.

The protester contends that the RFP improperly contained many items which the agency did not expect offerors to price, that the equipment list appended to the solicitation was confusing and that the solicitation failed to specify a line item and quantities for each type of equipment, making it impossible for the agency to identify the low offeror.

We view the protest grounds essentially as challenges to the evaluation scheme and the sufficiency of the information contained in the RFP. Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1990), protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing date for receipt of initial proposals. Carrier's protest, filed on October 16, nearly 3 weeks after that time, is clearly untimely.^{1/}

The protest is dismissed.



Michael R. Golden
Assistant General Counsel

^{1/} In its written comments on the agency report, the protester alleges for the first time that Motorola failed to price all line items and that certain "over and above" work should have been evaluated which would have rendered the protester's offer low. These new allegations are also untimely since the record shows that the protester knew or should have known the bases for protest many weeks before filing its comments. See 4 C.F.R. § 21.2(a)(2).