



Comptroller General
of the United States

120-411

Washington, D.C. 20548

Decision

Matter of: The Purdy Corporation

File: B-258980

Date: November 14, 1994

DECISION

The Purdy Corporation protests the rejection of its offer under request for proposals (RFP) No. SP0770-94-R-5435 issued by the Defense Construction Supply Center (DCSC), Defense Logistics Agency for H60 (Black Hawk) helicopter parts. Purdy's offer was rejected as technically unacceptable.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before the initial closing date for submission of proposals.

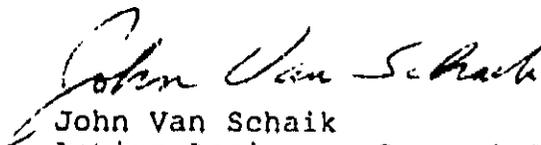
The solicitation requested offers for matched cone sets for the H60 helicopter, national stock number 1615-01-086-1510, identified by United Technologies Corporation (Sikorsky Aircraft) part number (p/n) 70103-08113-041. The solicitation permitted alternate offers but specified that offerors offering an alternate product must include with their proposals "confirmation in writing from Sikorsky Aircraft that Sikorsky will allow the release of gauge p/n 7013-08113-101T084 to the alternate offeror." The gauge is an inspection gauge used to insure that the matched cones are properly assembled.

Purdy submitted a proposal for an alternate product but did not include in its technical data package the required confirmation that Sikorsky would release the gauge. The agency notified Purdy that because the protester's technical data package did not include the required letter from Sikorsky, its offer was unacceptable.

Purdy protests that DCSC should either allow Purdy to construct its own gauge or "direct" Sikorsky to make the gauge available to other offerors.

In essence, Purdy is objecting to the requirement that it obtain permission from Sikorsky to use the gauge. However, since the solicitation stated that offerors of alternate products should obtain permission to use the Sikorsky gauge,

Purdy was on notice that it could not use its own gauge and that the government would not provide the gauge. Since Purdy objects to a requirement that was clearly stated in the solicitation, it was required to protest that requirement prior to the closing time set for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1) (1994); Englehard Corp., B-237824, Mar. 23, 1990, 90-1 CPD ¶ 324. Because Purdy did not protest until after its offer was rejected and award was made to Sikorsky, its protest is untimely.



John Van Schaik
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