

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

50967

FILE: B-184564

DATE: August 12, 1975

MATTER OF: MB Associates

97499

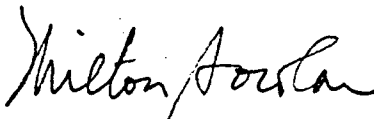
DIGEST:

Protest against award of a contract on a non-competitive, sole-source basis must be filed in this Office prior to closing date for receipt of initial proposal in order to be timely.

By letter dated July 17, 1975, MB Associates (MBA) has protested against the award of contract No. F09603-75-C-4800 by Robins Air Force Base. The basis of MBA's protest is that the contract should not have been awarded to Reynolds Metal Company (Reynolds) on a non-competitive, sole-source basis.

On April 23, 1975, the procurement was synopsized in the Commerce Business Daily on a sole-source basis for subcontract purposes. The contract was subsequently awarded on June 25, 1975, to Reynolds. By publication of the intended sole-source procurement to Reynolds in the Commerce Business Daily, MBA was given constructive notice of the basis for protest. Since the basis of protest was apparent prior to the closing date for receipt of initial proposals, the protest must have been filed prior to such closing date to be timely. 40 Fed. Reg. 17979 (1975). Since MBA did not file its protest until after award of the contract, (received at GAO on July 21, 1975), it is untimely.

Accordingly, we must decline to consider the issues in controversy and are closing our file in the matter.

for 
Paul G. Dembling
General Counsel