

DECISION



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

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FILE: B-183657

DATE: September 15, 1975

MATTER OF: Donaldson Company, Inc.

DIGEST:

1. Protests based upon improprieties apparent prior to closing date for receipt of proposals must be filed in GAO prior to such closing date to be timely.
2. Determination of date for receipt of proposals is matter of judgment properly vested in procuring agency.
3. Although protester contends that there was not adequate time for preparation of proposal for solicitation, sufficiency of solicitation sources is determined upon whether adequate competition and reasonable prices were obtained and in instant case there were 12 proposals received and record does not establish that a reasonable price was not obtained.

Donaldson Company, Inc., protests against award of contracts under request for proposals (RFP) Nos. WA75-R174, WA75-R180, WA75-R294, WA75-R295 issued by the Environmental Protection Agency (EPA). The basis for protest by Donaldson on all four RFP's is that the period allowed for proposal preparation was too short and hence restricted competition.

Following an amendment to all of the RFP's on March 17, 1975, which extended the due dates by 7 days, the following time schedule and proposals received are applicable to above RFP's under protest:

<u>Number</u>	<u>Issuance Date</u>	<u>Due Dates</u>	<u>No. of Proposals Received</u>
WA 75-R174	March 10, 1975	April 16, 1975	12
WA 75-R180	March 10, 1975	April 8, 1975	12
WA 75-R294	March 10, 1975	April 11, 1975	13
WA 75-R295	March 10, 1975	April 14, 1975	13

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Donaldson's protest relates to a defect which was apparent in the RFP prior to the closing date set for receipt of proposals. Under section 20.2(a) of our Interim Bid Protest Procedures and Standards, in effect at the time of the filing of the protest:

"* * * Protests based upon alleged improprieties in any type of solicitation which are apparent prior to * * * the closing date for receipt of proposals shall be filed prior to * * * the closing date for receipt of proposals." (4 C.F.R. § 20.2(a) (1975).)

Since the Donaldson protest was not filed (received) in the GAO until April 15, 1975, it is untimely as to RFP Nos. WA75-R180, WA75-R294, and WA75-R295. However, the protest was timely filed as to RFP No. WA75-R174.

The determination of the date for receipt of proposals is a matter of judgment properly vested in the procuring agency. 50 Comp. Gen. 565, 571 (1971). We also held in that case that in resolving questions concerning the adequacy of solicitation sources the propriety of a particular procurement must be determined upon the basis of whether adequate competition and reasonable prices were obtained, and not upon whether every possible offeror was afforded an opportunity to submit an offer. Since in response to RFP No. WA75-R174 twelve offerors submitted proposals within the specified due date, it clearly appears that adequate competition was present. Additionally, the record does not establish that a reasonable price was not obtained.

In view of the foregoing, we find no basis to question the adequacy of the period allowed for preparation of proposals. Accordingly, the protest is denied.


Acting Comptroller General
of the United States