

DECISION



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

60170

FILE: B-185209

DATE: November 17, 1975

MATTER OF: Data Precision Corporation

97728

DIGEST:

Protest concerning sole-source procurement, adequacy of time allowed for preparation of unsolicited proposal, and rejection of proposal, not filed within 10 working days after bases of protest are known or should have been known is untimely.

Data Precision Corporation (Data Precision) has protested against award of a contract resulting from request for proposals (RFP) DAAH01-76-R-0107, issued by the United States Army Missile Command, Redstone Arsenal, Alabama.

Notice of the intention to issue the subject RFP was published in the Commerce Business Daily on July 22, 1975, as a sole-source procurement with an estimated release date of July 24, 1975. Data Precision obtained permission from the procurement office at Redstone Arsenal to submit an unsolicited proposal. By letter received on September 8, 1975, Redstone Arsenal rejected Data Precision's offer. By letter dated October 23, 1975, to the agency, Data Precision challenged the validity of the rejection by Redstone Arsenal.

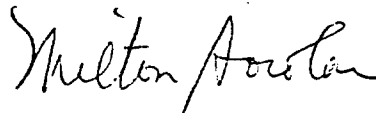
A protest on the matter was filed (received) in our Office on October 29, 1975. The protest by Data Precision is based upon:

- (1) Failure to publish notice of the RFP in the Commerce Business Daily in sufficient time for competitive offers.
- (2) Sole-source procurement for a standard off-the-shelf item available from many manufacturers.
- (3) Rejection of its proposal for invalid reasons.

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The Bid Protest Procedures of our Office require protests to be filed within 10 working days from the date when the basis of protest is known or should have been known. 40 Fed. Reg. 17979 (1975). From the record before our Office, the first two bases of protest by Data Precision were known at the latest on July 24, 1975, and should have been filed within 10 working days thereafter. Since Data Precision elected not to protest the sufficiency of time for proposal preparation or the sole-source procurement at that time but rather submitted a proposal, its protest to our Office on October 29, 1975, is clearly untimely.

On September 8, 1975, Data Precision was notified that its proposal was rejected. Since Data Precision did not file its protest with either the agency or our Office within 10 working days from that date, its protest on this basis is also untimely. Accordingly, the protest will not be considered on the merits.

for 
Paul G. Dembling
General Counsel