

DOCUMENT RESUME

02064 - [A1112102]

[Protest Dismissed for Untimeliness]. B-188342. April 18, 1977.
1 pp.

Decision re: Hiltop Corp.; by Paul G. Denbling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).

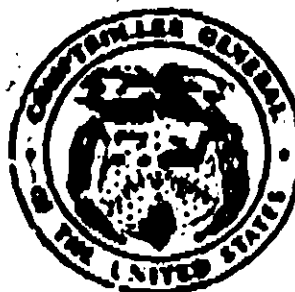
Organization Concerned: Defense Logistics Agency.

Authority: 4 C.F.R. 20.2(b)(1).

Protest that spare part specified was not equal to original manufacturer's equipment and was beset with technical problems was untimely. Protest based on an alleged impropriety apparent on the face of the solicitation was filed after time for receipt of initial proposals. (DJH)

02064

DECISION



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

*in file
92-11*

FILE: B-188342

DATE: April 18, 1977

MATTER OF: Miltope Corporation

DIGEST:

Protest that spare part specified is not equal to original manufacturer's equipment and is beset with technical problems is untimely, because protest was apparent on the face of the solicitation and was filed after time for receipt of initial proposals, in violation of GAO protest procedures.

The Miltope Corporation (Miltope) protests the specification of PSI Peripheral Support Part No. 16-320010 as equal to Miltope Part No. 43175 Rev. J, the original manufacturer's equipment, in Defense Logistics Agency (DLA) solicitation DSA900-77-R-0877. Miltope states that Navy personnel have complained in the past that the PSI drive solenoid described is unacceptable and cannot be satisfactorily used in connection with the UYK-5 shipboard computer system.

However, DLA requests that the protest be dismissed as untimely because it was filed in this Office by telegram received February 8, 1977. The closing date for the receipt of initial proposals was February 7, 1977.

Our Bid Protest Procedures require that protests based upon alleged improprieties apparent on the face of an RFP be filed in this Office prior to the closing date for receipt of initial proposals. 4 C.F.R. § 20.2(b)(1) (1976). We agree with DLA that Miltope's complaint that the specified PSI part is not a suitable spare part presents a protest which is based on an alleged impropriety apparent on the face of the solicitation.

Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel