

Proc I

DECISION



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

9525

FILE: B-193776

DATE: March 20, 1979

MATTER OF: Improvement Via Electronics

DIGEST:

[Protest against items in request for proposals] not filed until after closing date for receipt by proposals is untimely and not for consideration on merits. 4 C.F.R. § 20.2(b)(1) (1978).

Improvement Via Electronics (IVECO) has protested the issuance of a request for proposals by the National Aeronautics and Space Administration (NASA) for the conduct of a study to determine the potential for energy saving of a device known as a "power factor controller" developed by NASA's Marshall Space Flight Center. IVECO's protest was filed with our Office after the date set for receipt of proposals.

IVECO is the holder of a nonexclusive license from NASA for the production and sale of power factor controllers. On August 25, 1978, IVECO submitted an unsolicited proposal to NASA's Technology Utilization Center seeking a grant to finance the completion of development of the power factor controller and its packaging into a commercially viable product. NASA rejected IVECO's application. The solicitation in question here was issued on November 2, 1978, and required in addition to performing the study referenced above that proposers determine the cost effectiveness of applying the controllers to large-scale users of electrical motors and provide marketing/commercialization plans for the distribution of controllers.

IVECO states two principal objections to the NASA solicitation:

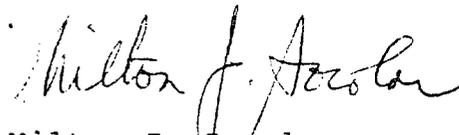
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(1) A solicitation requirement that proposers have the capacity to produce 30,000 controllers per month discriminates against small businesses.

(2) The NASA solicitation bears "unusual similarities" to IVECO's unsolicited proposal and reveals privileged information.

IVECO's objections pertain to items contained in the NASA solicitation. Our Bid Protest Procedures, 4 C.F.R. part 20 (1978), require in part that "Protests based upon alleged improprieties in any type of solicitation which are apparent prior to * * * the closing date for receipt of initial proposals shall be filed prior to * * * the closing date for receipt of initial proposals." 4 C.F.R. § 20.2(b)(1). As we noted above, IVECO's protest was not filed until after the closing date set for receipt of proposals and is therefore untimely and not for consideration on the merits.

The protest is dismissed.



Milton J. Socolar
General Counsel