

DECISION



11868 PL-II  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-196438

DATE: October 30, 1979

MATTER OF: AnaMed Hawaii

[Protest Alleging Unduly Restrictive Specifications]  
DIGEST:

1. Protest, filed after closing date for receipt of proposals, that solicitation contained restrictive specifications, is untimely.
2. Protest of all solicitations containing an alleged restrictive specification will not be considered where protester does not specify the solicitations.

DLG 03217

DLG 01675

→ AnaMed Hawaii protests the award of a contract by the Department of the Navy, Naval Supply Center, Pearl Harbor, Hawaii, under request for proposals N00604-79-R-0081. AnaMed contends that the specification for a spirometer is unduly restrictive of competition because only one firm manufactures that particular spirometer even though three firms were listed as manufacturers of the mandatory brand name item.

Our Bid Protest Procedures require that protests based upon alleged improprieties in any type of solicitation that are apparent prior to the closing date for receipt of initial proposals must be filed before that date. 4 C.F.R. § 20.2(b)(1) (1979).

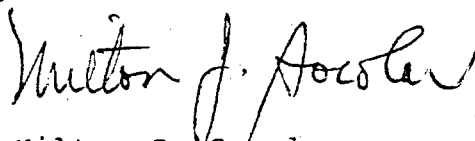
The RFP set the closing date for receipt of proposals for June 22, 1979. AnaMed filed its protest on October 15, 1979. Therefore, the protest is untimely and not for consideration on the merits.

AnaMed also protests all other solicitations that contain the alleged restrictive specification. However,

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as AnaMed has not shown that there are other solicitations containing the spirometer requirement, the protest is academic and not for our consideration. See Welmetco, Ltd., B-186471, March 29, 1979, 79-1 CPD 211.

The protest, therefore, is dismissed. Although the protester requests that we obtain further information from the Navy, we believe it is not necessary to do so in view of our disposition of this matter.



Milton J. Socolar  
General Counsel